

Closed Caption Log, Council Meeting, 4/15/04

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THIS MORNING, WE DON'T HAVE A PASTOR WITH US TO LEAD US IN OUR INVOCATION WHICH IS THE CASE SPORADICALLY. AT THIS POINT IF I COULD WOULD EVERYONE PLEASE RISE AND IN LIEU OF OUR TYPICAL INVOCATION, I WOULD LIKE TO ASK YOU TO PLEASE JOIN ME IN A MOMENT OF SILENCE. LAST NIGHT WE LOST AN CADET TRINA ANDRETTA, WHO IS A MEMBER OF THIS YEAR'S CADET CLASS, SET TO GRADUATE I BELIEVE IN LATE JUNE. SHE WAS A REMARKABLE CADET. SHE WAS EXCITED ABOUT BEING AN A.P.D. POLICE OFFICER. AND MY THOUGHTS, I KNOW YOURS, GO OUT TO HER HUSBAND, TO OUR A.P.D. FAMILY, TO THE CITY OF AUSTIN'S FAMILY, AND TO THIS LARGER COMMUNITY. WITH THAT, I WOULD LIKE TO ASK COUNCILMEMBER THOMAS ALSO TO SAY A FEW WORDS.

LET US ALL BOW OUR HEADS IN PRAYER. FATHER IN HEAVEN, AS WE COME TODAY, GOD, WE COME TO YOU AS HUMBLE AS WE KNOW HOW. WE THANK FOR YOU THIS DAY, LORD. WE ASK YOU TO BLESS THE FAMILY OF THE CADET THAT WE LOST, LORD. FATHER, WE KNOW YOU KNOW WHAT YOU'RE DOING, BUT WE ASK THAT WE BE MORE OPEN TO THE HOLY SPIRIT AND ASK THAT YOU SHOW ON THIS COUNCIL THE LOVE THAT IS EMPLOYEESING TO YOUR EYESIGHT. GOD, WE ASK YOU TO BLESS STAFF TODAY AS WE MAKE DECISIONS IN OUR ROLE OF DECISION MAKING, GOD, THAT WE BE HONEST AND OPEN TO EVERYONE, TO THE PEOPLE THAT WE ARE SERVING IN THIS GREAT CITY OF AUSTIN. BLESS EACH COUNCILMEMBER'S FAMILY, THE STAFF AND FOLKS THAT ARE COMING HERE TODAY TO DO

BUSINESS WITH THIS GREAT CITY. WE ASK THIS ALL IN YOUR AD DOORING SON JESUS'S NAME, AMEN.

THANK YOU ALL. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. THURSDAY, APRIL 15th, 2004. WE ARE IN THE BOARD ROOM OF THE LOWER ROLL RIVER AUTHORITY HANCOCK BUILDING. IT IS 12 MINUTES AFTER 10:00 IN THE MORNING. I WILL READ THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA? FIRST CHANGE IS TO ITEM NO. 15. WE SHOULD STRIKE THE -- THE PARTICIPATION NOTES OF 7.32% MEMBERM.B.E. AND 8.9% W.B.E. AND REPLACE THOSE WITH 16.26% M.B.E. AND 5.51% W.B.E. ON ITEM NO. 27, WE SHOULD CHANGE THE -- THE FIGURES, WE WILL STRIKE THE FIRST FIGURE \$339,498, REPLACE THAT WITH -- WITH \$342,397. WITH A ONE, NOT TWO, 12 MONTH EXTENSION PERIOD. AGAIN, CORRECT THE EXTENSION PERIOD AMOUNT FROM \$339,498 TO \$342,397. ALSO, STRIKE THE -- THE PHRASE PER EXTENSION OPTION. SO, THEREFORE, THE TOTAL AMOUNT WE WILL STRIKE THE FIGURE \$1,018,494 AND REPLACE IT WITH \$684,794. OUR TIME CERTAINS FOR TODAY'S COUNCIL MEETING, AT 12:00 WE WILL BREAK FOR OUR GENERAL CITIZEN COMMUNICATIONS. AT 2:00, WE HAVE A BRIEFING THAT SHOWS AS ITEM NO. 42, ON THIS WEEK'S AGENDA. WHICH IS RELATED TO THE CITY'S FINANCIAL FORECAST. AT 3:00, WE WILL HAVE BOTH OUR BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION, THAT SHOW AS ITEMS AHFC 1 AND 2. AS WELL AS A BRIEFING, ITEM NO. 43, REGARDING ECONOMIC GROWTH IN REDEVELOPMENT SERVICES. AT 4:00 WE BREAK FOR OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW THIS WEEK AS ITEMS 44 AND 51. AND ITEM Z-1 THROUGH Z-4. I WILL ANNOUNCE NOW THAT THE STAFF WILL BE REQUESTING THAT AT 4:00 P.M. WE POSTPONE THE FOLLOWING ITEMS: ITEM 45, POSTPONED TO APRIL 22nd, 2004; ITEM 47 WE WILL BE ASKED TO POSTPONE TO MAY 6th 2004; AND ITEM 49, POSTPONED FOR INDEFINITE PERIOD. AGAIN, THAT FORMAL POSTPONEMENT ACTION WON'T OCCUR UNTIL 4:00 P.M. AT 5:30, WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS AND AT 6:00 WE HAVE OUR PUBLIC HEARINGS AND POSSIBLE ACTIONS. THIS WEEK ITEM NO. 52

IS OUR ONLY PUBLIC HEARING. I WILL ALSO NOW READ THE ITEMS THAT ARE PULLED FOR DISCUSSION, THAT IS ITEMS PULLED OFF THIS MORNING'S UNANIMOUS CONSENT AGENDA. ITEM NO. 2 HAS BEEN PULLED BY COUNCILMEMBER SLUSHER, THIS REGARDS OUR SPECIAL CALLED MUNICIPAL ELECTION OF MAY 15th, ITEM 3 IS PULLED OFF THE CONSENT AGENDA BECAUSE IT RELATES TO AN EXECUTIVE SESSION ITEM, 38, REGARDING A LAWSUIT BETWEEN MICHAEL KING VERSUS THE CITY OF AUSTIN. ITEM 7 HAS BEEN PULLED BY COUNCILMEMBER SLUSHER, WHICH IS IN REGARD TO TRAIL IMPROVEMENTS TO THE ZILKER LOOP TRAIL AND ITEM 24 I HAVE PULLED REGARDING THE FURNITURE PURCHASE FOR THE NEW CITY HALL. ITEM 25 I HAVE ALSO PULLED FOR A BRIEF PRESENTATION REGARDING A G.I.S. LICENSE AGREEMENT. AND ITEM NO. 29 I HAVE PULLED REGARDING THE VIDEO/AUDIO RECORDING SYSTEMS FOR POLICE CARS. COUNCIL, ANY OTHER ITEMS TO BE PULLED OR POTENTIALLY ADDED BACK TO THE CONSENT AGENDA?

Thomas: MAYOR, IF YOU DON'T MIND, NUMBER 16 PULL AND I JUST NEED A BRIEF PRESENTATION. QUESTIONS ANSWERED ON THAT ONE.

Mayor Wynn: OKAY, STAFF WILL PREPARE A BRIEF PRESENTATION FOR ITEM NO. 16, NOW PULLED FROM THE CONSENT AGENDA. ANY OTHERS, COUNCIL? WITH THAT I WILL NOW READ WHAT I BELIEVE TO BE THE CONSENT AGENDA. NUMERICALLY. CONSENT AGENDA THIS MORNING WILL BE ITEM 1, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, FOR CHANGES AND CORRECTIONS, 16, -- I'M SORRY, 16 PULLED BY COUNCILMEMBER THOMAS, SO AGAIN ITEMS -- ITEM 15 IS ON THE CONSENT AGENDA, 17, 18, 19, 20, 21, 22, 23, 26, 27 PER CHANGES AND CORRECTION, 28, 30, 31, 32, 33, 34, 35, 36, AND 37. THANK YOU VERY MUCH. ITEM NO. 32 ON THE CONSENT AGENDA ARE OUR BOARD AND ECONOMICS POIVMENTS, AT THIS TIME I WILL -- APPOINTMENTS, AT THIS TIME I WILL READ THOSE INTO THE RECORD. TO OUR ANIMAL ADVISORY COMMISSION: PATRICIA VALLES-TRES COUNCILMEMBER ALVAREZ REAPPOINTMENT, TO OUR FEDERALLY QUALIFIED HEALTH CENTER BOARD, JESSE CLEVELAND IS A CONSENSUS APPOINTMENT. TO OUR HUMAN RIGHTS COMMISSION, AUSTIN DULNIG IS A CONSENSUS REAPPOINTMENT. AND TO OUR PARKS AND

RECREATION BOARD: JOSEPH HUGHES, IS COUNCILMEMBER MCCRACKEN'S APPOINTMENT. THOSE ARE OUR BOARD AND COMMISSION APPOINTMENTS THAT SHOW US ITEM NO. 32 ON THIS MORNING'S CONSENT AGENDA. ANY COMMENTS OR QUESTIONS COUNCIL? AT THIS TIME I WILL ENTERTAIN A MOTION ON THE CONSENT AGENDA.

Thomas: MAYOR, I HATE TO DO THIS TO YOU, I SAW ONE MORE, 31.

Mayor Wynn: OKAY. WE WILL PULL 31 OFF THE CONSENT AGENDA.

Thomas: IF I CAN JUST GET STAFF TO ANSWER A QUESTION OR TWO, I THINK WE CAN PUT THAT BACK ON.

Mayor Wynn: QUICK QUESTION FOR STAFF. ITEM NO. 31.

Thomas: ON THE M.B.E., IT SAYS ZERO PARTICIPATION.

THE PRIME IS M.B.E./MH, SO THAT HAS 83, ALMOST 84% PARTICIPATION, AS FAR AS -- AS FAR AS THE SUBCONTRACT, THE W.B.E. TOTAL SUBCONTRACT IS 13%. THE NON-M.B.E. WOULD BE 3%.

Thomas: OKAY. I GUESS -- I KNOW THAT THE PRIME IS -- IS A - IS M.B.E., BUT -- BUT THE SUBS, THE SCOPE OF WORK, THERE WAS NO -- THERE WAS NO RESPOND TO M.B.E.S. IN THE SUBCONTRACT. MAYBE I MISSED IT.

WELL, AS FAR AS THE RESPONSE, THE W.B.E., THERE WAS RESPONSE AND THE PARTICIPATION IS 13%. AS FAR AS THE M.B.E., MAYBE I'LL DEFER TO JEFF [INDISCERNIBLE]

THE GOALS WERE MET ON THIS M.B.E. GOALS AND THE W.B.E. GOALS WERE MET. ON THIS PARTICULAR PROJECT.

OKAY, WHAT WAS THE M.B.E. GOALS?

OKAY. THE GOALS STATED IN THE SOLICITATION WERE 18.17% FOR M.B.E. AND 6.70% FOR W.B.E.

Thomas: AND --

I BEG YOUR PARDON, SIR?

HAVE THEY MET THOSE.

YES, SIR.

Thomas: ALL RIGHTY. I GUESS. MAYOR, I CAN PUT THAT BACK ON THEN.

Mayor Wynn: 31 WILL BE BACK ON THE CONSENT AGENDA. SO IN FACT LET ME JUST AGAIN BRIEFLY READ NUMERICALLY THE CONSENT AGENDA. ITEM 1, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 PER CHANGES AND CORRECTIONS, 17, 18, 19, 20, 21, 22, 23, 26, 27, PER CHANGES AND CORRECTION, 28, 30, 31, 32, BOARD AND ECONOMICS APPOINTMENTS AS READ INTO -- BOARD AND ECONOMICS APPOINTMENTS AS -- COMMISSION APPOINTMENTS AS READ INTO THE RECORD EARLIER, 33, 34, 35, 36 AND 37. I WILL ENTERTAIN A MOTION.

Thomas: SO MOVE, MAYOR.

MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR. I JUST WANTED TO MAKE A COMMENT ON NUMBER -- ITEM 30. AND I'M NOT SURE IF ANYONE FROM JOHNSTON HIGH SCHOOL IS HERE. I THINK YOU'LL RECALL AN INDIVIDUAL APPROACHED THE COUNCIL ABOUT A COUPLE OF MONTHS AGO REGARDING A REQUEST FOR -- FOR A CERTAIN TYPE OF SCHOOLS ZONE SIGNAGE AND -- AND OUR STAFF HAS DONE THE ANALYSIS AND ACTUALLY IS BRINGING FORWARD THE ITEM TO UPGRADE THOSE SIGNALS IN THE JOHNSTON HIGH SCHOOL AREA SO THERE WILL BE ONE NEW SCHOOL ZONE SIGN ADDED AND BOTH WILL HAVE THE FLASHING SIGNALS ON THEM AND SO I WANTED TO MAKE SURE THAT THAT WAS COMMUNICATED TO JOHNSTON HIGH SCHOOL AND THEY WERE I THINK INTENDING TO HAVE SOMEONE HERE, BUT THEY MAY NOT HAVE MADE IT YET. WE DO WANT TO THANK STAFF FOR

THEIR ASSISTANCE WITH THAT ITEM.

THANK YOU, FURTHER COMMENTS ON THE CONSENT AGENDA? IF NOT, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. THANK YOU ALL VERY MUCH. COUNCIL, WITHOUT OBJECTION, I HAD JUST A SIMPLE HOPEFULLY A QUICK QUESTION AND NEED OF A BRIEFING ON ITEM NO. 25. FRANKLY MY SIMPLE ISSUE, I KNOW IT'S UNAVOIDABLE ON MANY CONTRACTS AND LICENSE AGREEMENTS. BUT THE FACT THAT THIS HAS SUCH A SIGNIFICANT STEP IN EXPENSE FROM YEAR ONE TO YEARS TWO AND THREE, OBVIOUSLY QUITE AFFORDABLE THIS FIRST YEAR, BUT BECOMES LESS SO IN THE FUTURE YEARS. IF YOU COULD JUST EXPLAIN THE -- THE RATIONALE AND THE REQUIREMENT FOR THAT STEP, MR. COLORADO LENS.

YES, MAYOR, GOOD MORNING, MAYOR, COUNCIL. CITY MANAGER, TOBY FUTRELL. YES, IT LOOKS KIND OF INTERESTING ON THE SURFACE, WHAT THEY ARE ACTUALLY DOING HERE, THIS ACTUALLY CAME OUT OF AN INITIATIVE FROM TOBY LOOKING AT G.I.S. FOR HOMELAND SECURITY, IT TOUCHES A LOT OF APPLICATIONS, 311, NEW PERMITTING SYSTEM, PUBLIC SAFETY, ALL OF OUR NEW APPLICATIONS ARE VERY GIS, RELY ON GIS TREMENDOUSLY. BUT ALSO DURING THAT PROJECT, WE WERE LOOKING AT WHAT ARE THE ISSUES INSIDE THE CITY AND HOW WE COULD LEVEL -- LEVERAGE G.I.S. CORRECTLY. AND IN THAT RESEARCH WE DISCOVERED THERE WAS SO MANY DIFFERENT DISPARIT SYSTEMS WE NEEDED TO BRING THEM ALL IN LEGITIMATE. ITENT. ACTUALLY LEVERAGING THE INFORMATION THAT WE ALREADY HAD WE COULD VASTLY IMPROVE ON IT. LOOKING AT THE SITE LICENSE SITUATION THAT WE WERE ABLE TO SAY WE UNDERSTOOD THAT WE KNOW THAT WE NEED TO DO THIS, WE NEED TO BRING THE OTHER LICENSES UP TO OUR CURRENT STATE FOR COMPATIBILITY ISSUES, BUT I DID NOT WANT TO GO AHEAD AND PUT SOMETHING ON THE TABLE TO START \$500,000 THE FIRST YEAR BECAUSE -- BECAUSE IF YOU THINK ABOUT IT, THE IMPLEMENTATION OF ALL OF THE TOOLS UPGRADING IN THE DATA BASES IS

GOING TO TAKE SOME TIME. SO WE ALSO WANT TO LOOK AT HOW WE CAN LEVERAGE THAT THROUGH THE YEARS TO INCREASE THE PAYMENTS FOR WHAT WE ARE ACTUALLY USING. IF WE WENT RIGHT FROM THE BEGINNING AND START PAYING \$500,000 AT THE END OF THE FOURTH YEAR, FOR THOSE -- FOR THE PREVIOUS YEARS, WE WOULD HAVE LEFT WAY TOO MUCH MONEY ON THE TABLE. NOW, THE BENEFIT, ALSO, FOR US, IF WE WERE TO DO THIS, PRIOR -- IT WOULD HAVE BEEN ABOUT \$3 MILLION, WE ARE ABLE TO BRING IT DOWN TO ABOUT 1.8 MILLION. INSIDE THAT FIGURE IS ALSO ABOUT 400,000 GIVEN IN THIS AGREEMENT SO WE CAN ACTUALLY GET OUR STAFF UP TO SPEED AND ALSO HAVE THE EXPERTS HELP US LEVERAGE THESE TOOLS.

Futrell: PETE, WHY DON'T YOU EXPLAIN TO THE PUBLIC ABOUT WHAT G.I.S. IS, HOW A CITY USES IT, WHAT DOES IT DO? ONE THING THAT WE FOUND AFTER SEPTEMBER 11TH IS THAT WE HAD SUBSYSTEMS IN ALL THE DIFFERENT DEPARTMENTS THAT DIDN'T SPEAK TO ONE ANOTHER. SO WE HAD AN INVESTMENT SCATTERED ACROSS THE CITY AND WE WERE NOT GETTING BUT PROBABLY 20% OF THE VALUE OF THAT INVESTMENT BECAUSE WE COULDN'T LEVERAGE IT ACROSS THE DEPARTMENT.

GIS IS VERY CRITICAL TO THE CITY. G.I.S. MAPS OUT ALL WHERE THE CONDUITS ARE, HOW OUR ELECTRICAL LINES ARE RAN, OUR WATER PIPES, OUR SEWER SYSTEM, WHERE BUILDINGS ARE LOCATED, OUR ENTIRE INFRASTRUCTURE IS REPRESENTED BY GIS. AND GIS IS USED EVERY DAY. EVEN WHEN SOMEBODY BUILDS A NEW HOME. THAT'S HOW A STREET ADDRESS IS CREATED. AND THEY USE COORDINATES TO IDENTIFY THAT LOCATION. THE UTILITY POLES. IT'S -- IT IS A -- IT IS A -- A VAST AMOUNT OF INFORMATION THAT IS STORED THAT WE USE IN OUR NORMAL DAY BUSINESS ALL THE TIME.

Futrell: AS AN EXAMPLE, 911.

EXACTLY. 911.

Futrell: OR DISPATCH FOR PUBLIC SAFETY.

YES.

Futrell: ALL THESE USE THESE COORDINATES THAT TIE YOU TO AN ADDRESS, TIE YOU TO A LOCATION, THAT'S THE FOUNDATION OF THAT FUNCTION IN THE CITY.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? IF NO, I WILL ENTERTAIN A MOTION ON ITEM NO. 25. MOTION BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE --

AHFC.

HAVE ALL IN FAVOR?"

Mayor Wynn: OPPOSED? POSITION PASSES ON A VOTE OF 7-0. BACK TO ITEM NO. 2, REPRESENTED TO OUR MAY 15th, ELECTION. I WILL RECOGNIZE COUNCILMEMBER SLUSHER. THANK YOU, MAYOR, THIS HAS TO DO WITH MAY 15th ELECTION, MY QUESTIONS HAVE TO DO WITH THE BEYOND -- A LITTLE BIT BEYOND THAT, DO WITH THE ELECTRONIC VOTING. WHEN WE AGREED TO GO WITH THAT THROUGH THE COUNTY. I EXPRESSED SOME -- SOME SKEPTICISM. I GUESS I'M OLD FASHIONED BUT I'M HAVING DIFFICULTY WITH THERE NOT BEING A PAPER TRAIL ON VOTE, ON VOTES. MAKE SURE -- BOTHERS ME THERE'S NOTHING TO BACK THAT UP. ONE IDEA THAT I'VE HAD, I'VE HEARD OTHER PEOPLE ADVANCING AROUND THE COUNTRY, WAS HAVING A PRINTER ATTACHED TO THE VOTING TO -- AT EACH PRECINCT. AND THEN WHEN SOMEBODY GOT THEIR ELECTRONIC SCREEN, THEN IT WOULD PRINT OUT A COPY OF IT THEN THAT WOULD BE THERE. IN CASE THERE WAS A NEED FOR A RECOUNT. WHAT I WANTED TO ASK MS. BROWN WAS TO -- IF SHE WOULD LOOK INTO HOW MUCH THAT WOULD COST TO DO THAT. FOR THE CITY OF AUSTIN VOTING AND PERHAPS TRAVIS COUNTY SINCE WE ARE WORKING THROUGH THEM NOW. BUT THE MORE I READ, I EXPRESSED THESE CONCERNS WHEN IT CAME UP ORIGINALLY, THE MORE I READ, HEAR ABOUT THIS, THE MORE CONCERNED I GET. AND I REALIZE THIS COULD BE THE -- THE NUMBER MIGHT BE PRETTY HIGH, MIGHT BE PRETTY EXPENSIVE. BUT I WOULD ASK WHAT'S OUR DEMOCRACY WORTH? WE HAD A REAL CLOSE PRESIDENTIAL ELECTION. WHICH I STILL -- IS

STILL DISPUTED AS TO WHO ACTUALLY HAD THE MOST VOTES. THERE'S AN ARTICLE IN THE PAPER THIS MORNING ABOUT AN ELECTION DOWN IN THE VALLEY, CONGRESSIONAL RACE THAT'S NOT IN THE COURTS BECAUSE OF A RECOUNT WHERE THEY -- WHERE IT CHANGED THE OUTCOME, LET'S JUST SAY. SO ANYWAY I WOULD FEEL MUCH MORE COMFORTABLE IF WE LOOKED AT HOW WE WOULD HAVE A PAPER TRAIL ON THESE ELECTIONS. THAT'S ALL THAT I HAVE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS OR THOUGHTS? MAYOR?

COUNCILMEMBER MCCRACKEN?

McCracken: MS. BROWN, IS THIS PARTLY TO HAVE THE CONSOLIDATED VOTING LOCATIONS AND THEN LIKE PARTICULARLY IN NORTHWEST AUSTIN?

I'M SORRY.

McCracken: DOES THIS CONFIRM ALSO THE CONSOLIDATED VOTING LOCATIONS?

Clerk Brown: YES.

McCracken: I WANTED TO TAKE A QUICK MOMENT TO CONGRATULATE OUR CITY CLERK FOR HER EXCELLENT WORK IN CONJUNCTION WITH THE -- WITH THE WILLIAMSON COUNTY AND TRAVIS COUNTY ELECTION OFFICIALS, ACC, AND ROUND ROCK I.S.D., COUNCILMEMBER DUNKERLY AND I HAVE BEEN INTERESTING IN SEEING THAT THE NORTHWEST AUSTIN POLLING PLACES WERE -- WERE FOLKS HAVE HAD TO GO TO TWO TO THREE DIFFERENT POLLING LOCATIONS ON ELECTION DAY BE ABLE TO HAVE CONSOLIDATED VOTING INTO ONE POLLING PLACE AND-- AND MS. BROWN WAS ABLE IN CONJUNCTION WITH ALL OF THE VARIOUS OTHER OFFICIALS IN THIS REGION TO GET CONSOLIDATED VOTING LOCATIONS FOR 22,000 PEOPLE WHO PREVIOUSLY HAVE HAD TO VOTE IN MULTIPLE LOCATIONS. THIS IS A GREAT EXAMPLE OF REGIONAL COOPERATION. I THINK FOLKS WHO VOTE PARTICULARLY IN THOSE NORTHWEST AUSTIN BOXES ARE GOING TO NOTICE A BIG INCREASE IN CONVENIENCE ON

ELECTION DAY, THANK YOU VERY MUCH, MS. BROWN.

COUNCILMEMBERS, FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NO. 2.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken TO APPROVE ITEM NO. 2. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. LET'S SEE, COUNCILMEMBER SLUSHER, YOU HAD PULLED ITEM NO. 7 RELATED TO SOME TRAIL IMPROVEMENTS.

Slusher: YEAH, MAYOR. I WAS HOPING THE PARKS DEPOSIT COULD DO A SHORT PRESENTATION ON THIS. THIS IS A PROJECT THAT MANY PEOPLE HAVE BEEN -- IN AUSTIN HAVE BEEN WAITING FOR A LONG TIME. USERS OF ZILKER PARK WHERE NOW ONCE THIS PROJECT IS COMPLETE, PEOPLE WILL BE ABLE TO CROSS FROM ONE SIDE OF BARTON SPRINGS ROAD TO THE OTHER IN THE PARK WITHOUT GETTING OUT ON THE BUSY STREET. THAT'S A VERY IMPORTANT DEVELOPMENT, I WANTED MR. STREUSS TO SHOW YOU WHAT'S THAT GOING TO LOOK LIKE.

GOOD MORNING, WARREN STREUSS, WE ARE EXCITED TO BRING THIS PROJECT FINALLY TO FRUITION, IT'S BEEN IN DESIGN AND REVIEW FOR QUITE SOME TIME. WE ARE EXCITED TODAY TO BRING IT TO COUNCIL FOR THEIR APPROVAL. BASICALLY WHAT IT'S GOING TO BE ABLE TO DO FOR US, IT'S GOING TO BE ALLOW US PASSAGE UNDER BARTON SPRINGS ON THE EAST SIDE AND WEST SIDE OF BARTON SPRINGS. IT'S GOING TO LINK UP THE TRAIL ON BOTH SIDES. THE WEST SIDE WILL HAVE A BRIDGE THAT WILL BE ELEVATED AND JUST ON THE ADJACENT SIDE OF THE RAILROAD TRESTLE, ON THE WEST SIDE. WE WILL BE ABLE TO OPEN UP THE CLOSED PORTION ON THE EAST SIDE THAT'S BEEN CLOSED FOR A NUMBER OF YEARS, AND RESTORE THAT TRAIL ALL THE THE WAY UP TO SUNKEN

GARDENS, TAKE THAT TRAIL AROUND SUNKEN GARDENS, AND ON THE SOUTH SIDE OF THE POOL, WE WILL TAKE IT ALL THE WAY OVER TO LINK UP WITH BARTON HILLS DRIVE. THAT'S THE FIRST PHASE. THE SECOND PHASE, WHICH IS STILL IN REVIEW, WE SHOULD BE ABLE TO BRING THE SECOND PHASE BACK TO YOU PROBABLY AT THE END OF THE SUMMERTIME. PROBABLY STILL DURING THE CONSTRUCTION OF THIS PROJECT. AND THAT WILL LINK THE TRAIL ALL THE WAY OVER TO BARTON CREEK, WE WILL CROSS IT IN THE SECOND PHASE WITH THE BRIDGE, WHICH WILL LINK UP BARTON CREEK TRAIL. SO WE ARE GOING TO BE ABLE TO REPAIR AND RESTORE ALL OF THE DAMAGE ALONG THE TRAIL, ALONG ABOUT BARK ON THIS SIDE, PUT IN ANOTHER -- ALONG BARTON CREEK ON THIS SIDE, OTHER PEDESTRIAN BRIDGE ON THE WEST SIDE, TAKE OUR TRAIL ALL THE WAY AROUND THE POOL. AT SOME POINT IN THE SECOND PHASE CONNECT BACK UP TO THE BARTON CREEK TRAIL.

Slusher: SO THERE'S ONE POINT THAT GOES UNDER, THEN IT CONNECTS BACK ON THE OTHER SIDE? WHERE YOU CAN GET ON EITHER SIDE OF THE SPRINGS.

YES, SIR, WE HAVE THIS PEDESTRIAN BRIDGE ON BARTON SPRINGS OBVIOUSLY. GO UNDER THE BRIDGE HERE, YOU WON'T HAVE TO CROSS BARTON SPRINGS, GO UNDER THE BRIDGE, TAKE IT ALL THE WAY OVER HERE AND RIGHT ABOVE SUNKEN GARDENS, TAKE IT TO THE SOUTH SIDE.

Slusher: OKAY.

THEN THE SECOND PHASE, COUNCILMEMBER, TAKE US ALL THE WAY OVER TO BARTON CREEK TRAIL, LOOK RIGHT BACK DOWN, WE WILL HAVE A CONTINUOUS LOOP.

ALSO YOU WILL BE ABLE TO GET UNDER THE ROAD ON THE EAST -- WEST SIDE OF THE SPRINGS AS WELL?

YES, SIR, THIS PROJECT ON THE -- ON FOR APPROVAL THIS MORNING WILL ALSO BUILD THIS BRIDGE RIGHT HERE.

RIGHT BY THE RAILROAD TRACKS.

Slusher: WHAT'S THAT GOING TO LOOK LIKE, JUST CURIOUS.

SIMILAR TO THE BRIDGE WE ARE CROSSING BARTON CREEK BUT SMALLER, ON A SMALLER SCALE.

Slusher: IS IT UNDERNEATH OR ABOVE.

UNDERNEATH THE ROAD. UNDERNEATH THE ROAD.

Slusher: OKAY. THANK YOU FOR GETTING THIS ALL WAIT TO THE COUNCIL AGENDA AND SOON UNDER CONSTRUCTION.

VERY SOON.

Slusher: WHEN DO WE EXPECT TO BE DONE WITH IT?

THE FIRST PHASE WE SHOULD BE THROUGH BY THE FIRST -- PROBABLY AROUND THE FIRST OF ALL, OCTOBER, NOVEMBER, DECEMBER. DEPENDING ON THE WEATHER CONDITIONS COUNCILMEMBER. SO WE'LL SEE.

Slusher: THANK YOU, I WOULD MOVE APPROVAL.

SECOND.

Goodman: THERE'S A MOTION AND A SECOND FOR APPROVAL. FURTHER DISCUSSION? ALL IN FAVOR PLEASE SAY AYE.

AYE.

Goodman: MAYOR, ARE YOU STAYING?

Mayor Wynn: THANK YOU, MAYOR PRO TEM, I HAD TO STEP OFF THE DAIS FOR A COUPLE OF MINUTES. MOTION PASSES ON A VOTE OF 7-0. I BELIEVE THE NEXT ITEM WILL BE ITEM NO. 16 PULLED BY COUNCILMEMBER THOMAS.

GOOD MORNING, I'M CHRIS LIPPY, DIRECTOR OF WATER AND WASTEWATER UTILITY. LET ME GIVE YOU SOME BACKGROUND, THIS IS ITEM NO. 16, PROFESSIONAL SERVICES AMENDMENT FOR THE FINAL PHASE OF AN RFQ ISSUED FOR ALL PHASES OF PLANNING, DESIGN AND

CONSTRUCTION PHASE MANAGEMENT FOR WORK-RELATED TO ODOR AND CORROSION PROBLEMS ON THE GOVALLE WASTEWATER TUNNEL. THIS TUNNEL IS -- IS THE FACILITY THAT SERVES ALL OF CENTRAL AUSTIN, INCLUDING THE COUNT AREA, IT'S AN 8-MILE LONG, 8-FOOT DIAMETER TUNNEL ON THE AVERAGE OF 100 FEET DEEP AND SO IT'S A - - IT'S A MAJOR FACILITY FOR SERVING CENTRAL AUSTIN. BACK IN '95, WE NOTICED ODORS, ODORS ARE CAUSED BY HYDROGEN SULFIDE, WHICH ALSO TYPICALLY BRINGS ALONG CORROSION OF CONCRETE OF THE TUNNEL SYSTEMS. SO WE ARE CONCERNED ABOUT BOTH ODORS AND CORROSION. WE ISSUED AN R.F.Q. TO ADDRESS BOTH OF THOSE ISSUES AND AGAIN IT INCLUDED ALL PHASES OF STUDY, PLANNING, DESIGN AND CONSTRUCTION PHASE MANAGEMENT FOR REPAIRING WHATEVER CORROSION MAY HAVE BEEN FOUND. THIS IS THE FINAL PHASE. AND IT IS -- IT IS FOR THE DESIGN AND CONSTRUCTION PHASE MANAGEMENT TO COMPLETE THE REPAIRS TO THE TUNNEL THAT HAD BEEN FOUND THROUGH THE EXTENSIVE INVESTIGATIONS OVER THE LAST FEW YEARS. WE DO RECOMMEND THE AWARD OF THIS -- OF THIS PROFESSIONAL SERVICES AMENDMENT. AND THANK YOU.

THANK YOU, FURTHER QUESTIONS?

Thomas: I THINK THE CITY MANAGER ALREADY EXPLAINED IT TO ME. I WAS CONCERNED ABOUT THE CERTAIN AMOUNT OF FIGURE AND ENDED UP ALMOST 5 MILLION. I WAS WONDERING ABOUT THE R.F.Q. SHE WAS EXPLAINING WHEN THE R.F.Q. WENT OUT ABOUT 10 YEARS AGO, OUR PRACTICE IS NOT HOW WE DO THIS R.F.Q.

WE HAVE CHANGED THE PRACTICE. TODAY WE WOULD MORE TYPICALLY DO A SEPARATE R.F.Q. FOR A STUDY PHASE, THEN FOLLOW-UP WITH AN ADDITIONAL R.F.Q.

Thomas: OKAY, THANK YOU. THEN, MAYOR, IF YOU DON'T MIND I'LL IN MAKE A MOTION. UNLESS SOMEBODY ELSE HAS A QUESTION, SORRY, GO AHEAD. I WILL MAKE A MOTION TO PUT 16 BACK ON THE AGENDA.

Mayor Wynn: MOTION BY COUNCILMEMBER THOMAS TO

APPROVE ITEM NO. 16. I'LL SENDING THAT.

Goodman: I HAVE A QUESTION.

Mayor Wynn: FURTHER COMMENTS, MAYOR PRO TEM?

Goodman: I THINK THE BIGGEST CONFUSION ABOUT THIS IS WHEN YOU LOOK AT THE WORDING AND THE WORDING IS AMENDMENT FOR THREE TIMES AS MUCH AS THE ORIGINAL CONTRACT SEEMS TO BE WORTH. SO I GUESS THIS IS A LEGAL DEPARTMENT. EVEN THOUGH WE DON'T DO IT THIS WAY. WE MIGHT HAVE OTHERS TO COME UP FROM TIME TO TIME, THE WORD AMENDMENT IS PATENTLY INAPPROPRIATE. JUST RAISES RED FLAGS. SO MAYBE OUR LEGAL FOLKS CAN GET TOGETHER AND FIGURE OUT WHAT REAL WORD SHOULD BE USED. LEGALLY AND ACCORDING TO CONTRACT PROVISIONS AND ALL OF THAT. BUT AMENDMENT DOESN'T DO IT.

MAYOR PRO TEM, WE WILL CERTAINLY LOOK AT THAT AND SEE HOW IT CAN BE MORE APPROPRIATELY WORDED.

Mayor Wynn: THANK YOU, CITY ATTORNEY? FURTHER COMMENTS, QUESTIONS? MOTION IS ON THE TABLE TO APPROVE ITEM NO. 16. ALL IN FAVOR.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. COUNCIL, WITH THAT WE JUST HAVE A COUPLE MORE DISCUSSION ITEMS, BOTH OF WHICH I'VE PULLED THAT WILL -- THAT CAN BE TAKEN UP RELATIVELY QUICKLY. BUT WITHOUT OBJECTION, WE CAN DO THAT AS WE COME BACK AFTER OR AT ABOUT OUR LUNCH BREAK OR BEFORE THE 2:00 TIME CERTAINS. SO WITH THAT, WITHOUT OBJECTION, WE CAN NOW GO INTO CLOSED SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO POTENTIALLY DISCUSS AGENDA ITEMS 38, RELATED TO MICHAEL KING VERSUS THE CITY OF AUSTIN, 39, RELATING TO AN AGREEMENT ON SUBDIVISION PLATTING IN THE E.T.J., 40, RELATED TO ANTICIPATED THIRD SPECIAL CALLED SESSION OF THE 78th STATE LEGISLATURE, AND THEN POTENTIALLY

CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.072 OF THE OPEN MEETINGS ACT TO DISCUSS ITEM NO. 41 RELATED TO THE DISPOSITION OF THE FORMER ROBERT MUELLER MUNICIPAL AIRPORT TO CATELLUS AUSTIN LLC, WE ARE NOW IN CLOSED SESSION. THANK YOU.

Mayor Wynn: IN EXECUTIVE SESSION WE TOOK UP ITEM NO. 41, PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.072 OF THE OPEN MEETINGS ACT, NO DECISIONS WERE MADE. WE HAVE YET TO TAKE UP ITEMS 38, 39 OR 40. AT THIS TIME WE WILL GO TO A NOON GENERAL CITIZENS COMMUNICATION, OUR FIRST SPEAKER THIS MORNING IS MR. SCOTT JOHNSON, WELCOME, SCOTT. YOU HAVE THREE MINUTES.

GOOD AFTERNOON MAYOR, COUNCILMEMBERS, MS. FUTRELL AND CITY STAFF. MY NAME IS SCOTT JOHNSON, I'M THE PROJECT MANAGER OF THE CENTRAL TEXAS ELECTRIC LAWN MOWER PROGRAM. THIS PROGRAM IS GOING TO BE HELD ON SATURDAY, APRIL 24th, FROM 8:30 IN THE MORNING UNTIL 2:00 IN THE AFTERNOON AT THE HOME DEPOT ON SOUTH I-35 AT WOODWARD STREET. THE PURPOSE OF THE PROGRAM THAT'S BEEN RUNNING THE LAST COUPLE OF YEARS IS TO SCRAP GAS POWERED MOWERS AND ENCOURAGE PEOPLE TO BUY ELECTRIC MOWERS BY GIVING THEM A DISCOUNT ON THEIR PURCHASE ON THAT DAY. WE DO PROVIDE FOR THE RESPONSIBLE RECYCLING OF THE GAS POWERED MOWERS BY HAVING THE MOWERS PULVERIZED, MELTED DOWN, RECONSTITUTED INTO REBAR FOR BUILDING MATERIALS. ELECTRIC LAWN MOWERS HAVE MANY, MANY BENEFITS. AIR QUALITY IS ONE OF THEM IN THAT THE ELECTRICITY USED FOR ELECTRIC MOWERS IS ONLY ABOUT \$5 PER YEAR, AS WELL. WHEN PEOPLE USE GAS POWERED LAWN MOWERS, THEY ENDED UP SPILLING THE GAS AND OIL AS THEY OVERFILLED THE SMALL RECEPTACLES WHICH FIND ITS WAY INTO OUR CREEKS AND THAT BECOMES NON-POINT SOURCE SOLUTION THAT CONTAMINATES THEM. WE ALSO SELL MULCHING MODELS THAT DIVERTS THE AMOUNT OF GRASS INTO THE LANDFILLS, AND IT GOES BACK NATURALLY TO THE GRASS TO WORK AS FERTILIZER. ALSO YOU ARE REDUCING, AGAIN, POLLUTION THAT'S GOING UP INTO OUR UPPER ATMOSPHERE HELPING WARM OUR EARTH, THE CARBON DIOXIDE EMISSIONS. THEY

ARE EASIER TO USE AND MAINTAIN. I ENCOURAGE PEOPLE TO COME OUT SATURDAY APRIL 24th FROM 8:30 IN THE MORNING UNTIL 2:00 IN THE AFTERNOON AS SHOWN ON THE SCREEN THERE. PEOPLE CAN CONTACT ME IF THEY HAVE FURTHER QUESTIONS. MY TELEPHONE NUMBER IS UP THERE. 447-4595. AS WELL AS THE WEBSITE LISTED UP THERE, IF YOU GO TO THAT WEBSITE, THERE'S A LIST OF FREQUENTLY ASKED QUESTIONS. AND THAT WILL HELP DIRECT YOU TO KNOW MORE ABOUT ELECTRIC LAWN MOWERS, HOW THEY WORK, WHAT THE COSTS ARE INVOLVED WITH THEM. ANOTHER THING THAT WE DO WITH THE PROGRAM IS THAT WE MAKE EDUCATIONAL MATERIAL AVAILABLE TO PEOPLE REGARDING LAWN AND GARDENING. I HAVE PARTNERED WITH THE CITY THE LAST COUPLE OF YEARS, EVEN BEFORE THEY DEVELOPED THEIR GROW GREEN PROGRAM, PUT THIS OUT IN PEOPLE'S HANDS WHICH TALKS ABOUT RESPONSIBLY IRRIGATING AND FERTILIZING YOUR LAWN, USING PESTICIDES AND INSECTICIDES THAT DON'T CONTAMINATE WATER QUALITY. THAT IS PART OF THE AIR QUALITY SOLUTION AS WELL. AS FERTILIZERS BREAK DOWN, THEY BECOME A GAS AND THAT'S ACTUALLY HELPING CAUSE THE OZONE SMOG THAT AFFECTS ALL OF OUR HEALTH GREATLY. WE ALSO PUT INFORMATION IN THERE ABOUT HOW TO MAINTAIN YOUR VEHICLE AND ABOUT THE CITY'S GREEN CHOICE PROGRAM. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS, THANK YOU FOR YOUR KIND ATTENTION.

Mayor Wynn: THANK YOU, MR. JOHNSON. EXCUSE ME. OUR NEXT SPEAKER IS MR. RAIN G.A.C. CASTRO, WELCOME, SIR, YOU'LL ALSO HAVE THREE MINUTES ONCE YOU AGAIN.

[INAUDIBLE - NO MIC]

TESTING. WHAT HE'S PASSING OUT IS I WAS BEATEN UP BY A POLICE OFFICER OCTOBER 12th, WHICH YOU ALL CALL CHRISTOPHER COLUMBUS DAY. THAT'S WHEN THE SPANIARDS CAME HERE AND DESTROYED MY PEOPLE. OUR PEOPLE. I'M SORRY, I WORK 20 HOURS, SO I'M NOT DRESSED LIKE I WOULD WANT TO BE SO ON, NOT PREPARED LIKE I WANT TO ONE WIN THAT'S FINE.

I'M GOING TO SPEAK FROM MY HEART, THAT'S THE NATIVE

AMERICAN WAY. WHAT HAPPENED TO ME, WHEN I GOT BEATEN UP BY A POLICE OFFICER AND DRAGGED, WAS THE SAME THING ALMOST WHAT HAPPENED TO ME 30 YEARS AGO WHEN I WAS GOING TO BE A LIEUTENANT IN THE MILITARY. AT THE TIME PERIOD SOMETHING HAPPENED REAL BAD, I KIND OF BLEW THE WHISTLE AND I WAS GOING TO GO TO THE NEWSPAPERS BUT I THOUGHT KNOW I'LL LET THE IAG, INSPECTING GENERALS TAKE CARE OF IT. I WENT TO INTERNAL AFFAIRS, OF COURSE I FOUND OUT THE RESULTS FOUR DAYS AGO AND THEY WHITEWASHED IT, YOU KNOW. THE INSPECTOR GENERAL, SAME, THEY WHITEWASHED IT. I WENT TO OUR POLITICIANS, I THOUGHT NO, THIS IS NOT RIGHT WHAT HAPPENED TO ME BACK THEN. SO I WENT TO THE POLITICIAN, I WROTE A LETTER, WHAT I CALL MY POLITICAL CHAIN OF COMMAND ALL THE WAY UP TO THE PRESIDENT OF THE UNITED. FINALLY ONE HUMAN BEING WAS INTERESTED IN WHAT HAPPENED TO ME, A GUY NAMED SENATOR JOHN TO TOWER. HE REVIEWED WHAT HAPPENED, AFTER ONE YEAR THE GENERAL -- GOT EARLY RETIREMENT, SO DID THE COLONEL. THE CAPTAIN, LIEUTENANTS INVOLVED GOT DISMISSED. SO THEN I REMEMBER I THOUGHT TO MYSELF WHEN THIS HAPPENED TO ME, I SAID YOU KNOW MY POLITICAL CHAIN OF COMMAND SHOULD KNOW WHAT HAPPENED TO ME HERE IN THIS BEAUTIFUL CITY OF AUSTIN. SO -- SO BY CHANCE I HAPPENED TO MEET THE ATTORNEY GENERAL AND HE TOLD ME HE THOUGHT IT WAS A WASTE OF MY TIME -- OF TEXAS. I ALSO HAPPENED TO MEET THE MAYOR'S WIFE, SHE THOUGHT THAT I SHOULD BRING IT UP TO MY POLITICAL CHAIN OF COMMAND. THAT'S WHY I'M BRINGING ON IT UP TO Y'ALL. I USED TO BE A SENIOR [INDISCERNIBLE], I'M A COLLEGE GRADUATE, I'M 53 YEARS OLD. WHAT HAPPENED TO ME IS NOT RIGHT. I HAVE GRAY HAIR, I'M AN ELDERLY MAN. I DON'T LOOK FOR TROUBLE. I DON'T HAVE A POLICE RECORD AT ALL. THIS POLICEMAN DRAGGED ME AND BEAT ME IN YOUR FAIR CITY. I PLANNED ON MOVING HERE -- I HAVE A COURT DATE MAY 3rd, PROBABLY BE EXTEND AND SO ON. I PLAN ON MOVING TO NEW MEXICO TO BE AROUND MY INDIAN BROTHERS AND SISTER, YOU KNOW? SAD TO SAY I FEEL LIKE THE WHITE MAN'S WORLD IS A LOT OF HYPOCRISY. SO I JUST WANTED TO SHARE MY FEELINGS, MAYBE ONE OF YOU MAY BE INTERESTED, MAYBE YOU WILL TAKE MY CAUSE, SAY WAIT A

MINUTE, THIS IS NOT RIGHT. WHAT HAPPENED TO AN EDUCATED NATIVE AMERICAN, OKAY. IT'S NOT RIGHT [BUZZER SOUNDING] THAT INTERNAL AFFAIRS WHITEWASHES THIS ALL. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. CASTRO. I WILL SAY THAT I DID RECEIVE YOUR E-MAIL, THE FACTS OF THE CASE. I THINK THAT YOU ARE AWARE, MY COLLEAGUES, WE -- WE SHOW THIS AND AGREE ON NUMEROUS VOTES, BOTH BUDGETARY WITH THE RECENT POLICE ARE CONTRACT, WE TAKE A LOT OF TIME, EFFORT AND FRANKLY SPEND A LOT OF MONEY WITH THE POLICE OVERSIGHT FUNCTION, WITH A FULLY FUNDED POLICE MONITOR'S OFFICE. AND I HAVE -- I KNOW THAT YOUR CASE HAS BEEN PURPOSELY FORWARDED OVER THERE AND I WILL WAIT TO HEAR BACK. BUT AGAIN I THINK THE CITY TAKES THE POLICE OVERSIGHT FUNCTIONS VERY SERIOUSLY. AND, YOU KNOW, I HOPE THAT YOU'LL BE SATISFIED WITH THE EFFORT THAT YOU'LL SEE. IRRESPECTIVE OF WHAT THE OUTCOME MAY BE. THANK YOU, SIR.

OUR NEXT SPEAKER IS MIKE AL ELECTION SANDER.

-- ALEXANDER.

I WANTED TO ASK FOR AN IDLING TRUCK ORGANIZATION. I HAVE AN OUTRAGEOUS CITIZEN. A BUSINESS RUNNING OUT OF TWO REFRIGERATION TRUCKS. TRUCKS CAN BE LEFT IDLING NEXT TO MY HOME ANYWHERE FROM 9:00 IN THE MORNING UNTIL 1:00 IN THE MORNING THAT SAME NIGHT. BIG EVENTS GOING ON IN THE CITY, TRUCKS ARE RUNNING ALL NIGHT LONG. IT'S ABSOLUTELY DEVASTATING TO SOMEONE'S HOME. YOU CAN'T IMAGINE WHAT THESE BIG REFRIGERATION TRUCKS ARE -- ARE LIKE. I CALLED THE POLICE BEFORE ON IT. IT'S A LOOPHOLE IN THE CODES. YOU CAN'T REALLY DO MUCH ABOUT IT. YOU CAN PARK A REFRIGERATION TRUCK NEXT TO SOMEBODY'S HOUSE, NOT DOING ANYTHING, LEAVE IT RUNNING ALL DAY, ALL NIGHT LONG. ONE OF THOSE THINGS THAT HASN'T BEEN ADDRESSED BEFORE, I BELIEVE. OTHER CRAZY PROBLEM, MORE OF A FUNNY PROBLEM, WHERE A HUGE TRACTOR-TRAILER REFRIGERATION TRUCK WILL SHOW AT A RESTAURANT BEHIND MY HOUSE, AN HOUR BEFORE THE

STORE OPENS, HE PARKS MY TRUCK, I TRY TO TELL THEM ABOUT IT, HAVE TO YELL AT THE GUY TO HEAR ME, YOU WILL TURN THE REFRIGERATION UNIT OFF TO HEAR WHAT I'M TALKING ABOUT. DIDN'T CONSIDER THIS PROBLEM, THE TRUCK SHOWED UP AN HOUR EARLY, JUST SAT THERE WITH THE ENGINE RUNNING. HE DIDN'T REALLY KNOW WHAT TO DO ABOUT THE PROBLEM. I'VE BEEN FIGHTING THIS FOR A LONG TIME. I SPENT YOU ALL SOME MAIL, SUMMARY MAIL, WHAT I THOUGHT AN ORDINANCE WOULD BE LIKE. I FIGURE I'M ON YOUR SPAM LIST FOR SOME OF YOU ALL. I WOULD APPRECIATE ATTENTION -- I FIGURE IF THIS WAS AN OUTDOOR LOUD STEREO SYSTEM, CALL THE POLICE, THEY COME OUT, HANDLE THE PROBLEM REAL NICELY. I APPRECIATE THE ATTENTION THEY DO IN THAT. THEY DO A TERRIFIC JOB IN THAT REGARD. IN THIS CASE YOU NEED AN ORDINANCE TO GIVE SOME DIRECTION, I BELIEVE. IT'S SUCH AN UNUSUAL CRAZY SITUATION WHERE THE TRUCKS ARE JUST SITTING THERE, NOT DOING ANYTHING. LITERALLY COULD BE 24 HOURS DEPENDING ON THE TIME OF YEAR. I THINK IT ALSO COMPLEMENTS THE CLEAN AIR INITIATIVES GOING ON. THERE IS A RECOMMENDATION TO NOT LET DIESEL ENGINES IDLE. I GLANCED OVER IT. TIMES WHERE DIESEL EXHAUST, SETTLES ON MY BACK YARD, THE FENCE TRAPS IT, IT'S POISONOUS ALMOST TO BE BACK THERE. BUT THIS REFRIGERATION UNIT, THE CLEAN AIR INITIATIVES DON'T ADD THAT. SOMEONE SHOULDN'T BE ABLE TO PARK A TRUCK NEXT TO SOMEBODY'S HOUSE. THOSE THINGS ARE DIESEL ENGINES, TOO, LAST EASTER SUNDAY, IT SAT THERE RUNNING 24 HOURS, THE THING WOULD POP ONE, BURST A DIESEL SMOKE WOULD COME OUT, RUN THREE MINUTES, POP ONE AGAIN, DID THAT ALL DAY, ALL NIGHT LONG. SO FINALLY ADDRESSING THIS, I THINK WITH SOME SORT OF ORDINANCE HELP WOULD HELP THE CLEAN AIR INITIATIVE, TOO, I BELIEVE. I WANTED TO ASK YOUR CONSIDERATION ON THIS. YOU HAVE PROBABLY SEEN A LOT OF E-MAILS IN THE PAST. I WILL TRY NOT TO SEND TOO MANY MORE, IT'S REALLY DEVASTATING FOR SOMEONE'S HOME, THANK YOU.

Mayor Wynn: THANK YOU, MR. ALEXANDER, IF I CAN, I WILL MENTION, AS PART OF A CLEAN AIR APPROACH, WE HAVE BEEN STRUGGLING WITH THE CONCEPT OF HOW AS AN EXAMPLE -- THESE REFRIGERATION TRUCKS ARE RUNNING

BECAUSE THEY HAVE, YOU KNOW, MEAT AND FISH AND OTHER PERISHABLES IN THE TRUCK. I KNOW AS PART OF A CLEAN AIR INITIATIVE WE ARE NLZING THE POSSIBILITY OF -- ANALYZING THE POSSIBILITY OF HAVING CERTAIN TRUCK STOPS SPORADICALLY ACROSS THE TOWN THAT HAVE PLUG IN ELECTRIC COMPONENT TO WHEREBY TRUCKS DON'T HAVE TO IDLE. BUT THAT REALLY DOESN'T ADDRESS THE SITE SPECIFIC ISSUE OF -- THE NOISE ISSUE OF ONCE THEY GET TO A RESTAURANT OR TO A FACILITY THAT THEY ARE DELIVERING TO. SO I -- I WILL JUST TELL THAT WE ARE ADDRESSING IT FROM A CLEAN AIR ASPECT. BUT I DON'T KNOW FRANKLY THE -- WHAT'S BEEN PROPOSED, YOU KNOW, PERHAPS ON A NOISE BASIS.

THIS CASE REALLY THE TRUCK ISN'T DOING ANYTHING, NO DELIVERY IN PROGRESS, JUST SITTING THERE IDLING FOR LITERALLY FOUR OR FIVE HOURS AT A TIME. THAT'S THE KIND OF THING I'M HOPING TO ADDRESS.

Mayor Wynn: THANK YOU.

Slusher: MAYOR --

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: I SEE THE CITY MANAGER IS ALREADY GOING TO TALK TO MR. ALEXANDER, I WAS GOING TO ASK THAT SHE LOOK INTO IN PARTICULAR THIS SITUATION, I THINK THE ROW FRIDGE RAGES TRUCK IS THE RE-- REFRIGERATION TRUCK IS THE REPLACEMENT FOR A VERY NOISY OPERATION, ICE MAKING MACHINE THAT WAS KEEPING MR. ALEXANDER UP AT NIGHT AND DISTURBING THE PEACE, SO TO SPEAK, THAT WENT THROUGH A -- ALL KINDS OF GUY RAGES TO DEAL WITH -- GIRATIONS TO DEAL WITH IN THE CITY, TOOK A WHILE TO BE ENFORCED, HE HAD TO GO TO COURT, I WOULD LIKE TO LOOK AT THIS PLACE FOR HE AND HIS NEIGHBORS. TAKE A LOOK AT THIS. I THINK HE'S RIGHT, IT DEFINITELY HAS AN IMPACT NOT ONLY ON THE NOISE IN THE NEIGHBORHOOD, BUT ON THE -- OUR CLEAN AIR INITIATIVES AS WELL.

Mayor Wynn: THANK YOU, COUNCILMEMBER. OUR NEXT SPEAKER IS MR. CHUCK PERRY. MR. CHUCK PERRY?

FOLLOWING HIM IS MR. ROBERT SINGLETON, WHO WILL BE FOLLOWED BY MARY LEHMANN. WELCOME, MR. SINGLETON.

HI, I WANTED TO TALK TO YOU AGAIN ABOUT BIG BOX RETAIL AND THE FORMER MUELLER AIRPORT SITE. AT THE MARCH 9th MEETING AT THE ROBERT MUELLER AIRPORT -- THE COMMISSION JUST FOR THE SAKE OF BREVITY, IT WAS POINTED OUT THAT BECAUSE OF THE SOFT ECONOMIC MARKET FOR OFFICE SPACE THAT THE NORTHWEST QUADRANT OF THE AIRPORT WAS NOW BEING CONSIDERED FOR BIG BOX RETAIL. WHEN THERE WAS OPPOSITION TO THIS, A NUMBER OF PEOPLE INVOLVED WITH THE DEVELOPER OR WITH THE CITY PROCESS SAID I'M SURPRISED THAT YOU ARE SURPRISED ABOUT THIS. BIG BOX RETAIL FOR THIS CORNER HAS BEEN PART OF THE BUSINESS PLAN FOR -- FROM THE VERY BEGINNING. THIS IS THE PART OF THE STORY THAT GETS REALLY WEIRD. AND I MANAGED TO CONDENSE IT TO 13 WORD, I WAS THINKING OF DOING IT AS A PUPPET SHOW, BUT I THINK THAT I WILL SAVE THAT FOR ANOTHER TIME. IT'S IN THE PLAN, CAN WE SEE THE PLAN? NO OF COURSE NOT. YESTERDAY IN RESPONSE TO OUR REQUEST TO SEE THE BUSINESS PLAN, WHICH WE WERE SUPPOSED TO KNOW THE DETAILS OF SO WE WOULDN'T BE SURPRISED BY THE FACT THAT BIG BOX RETAIL HAS BEEN IN IT FROM THE BEGINNING, YESTERDAY THE CITY ATTORNEY OFFICE INFORMED US THAT WE COULD NOT SEE THE BUSINESS PLAN, THAT IT WAS COVERED BY CONFIDENTIALITY AND THAT THE REQUEST HAS GONE TO THE ATTORNEY GENERAL'S OFFICE TO UPHOLD THE CITY'S INTERPRETATION. THIS MORNING WE GOT A LETTER FROM WINSTEAD, SEACREST AND MINIK THE ATTORNEYS FOR CATELLUS INFORMING US THAT THE PLAN WAS A SECRET AND WE COULDN'T SEE WHAT WAS IN IT. THIS RAISES A NUMBER OF INTERESTING THINGS. THERE IS NOTATION IN THIS LETTER FROM -- FROM WINSTEAD THAT THERE WAS A PREVIOUS REQUEST IN 2002 FOR THE PLAN, I DON'T KNOW WHO AHEAD THAT REQUEST, BUT THAT THE ATTORNEY GENERAL TURNED DOWN THAT REQUEST FOR THE PLAN. WELL, MY QUESTION WAS DIDN'T ALL OF THOSE PEOPLE INVOLVED WITH CATELLUS AND ROMA AND THE CITY KNOW THAT THERE HAD BEEN A PREVIOUS REQUEST FOR THE BUSINESS PLAN? AND WHEN THEY SAID AREN'T YOU -- WHY

ARE YOU SURPRISED IT'S IN THE BUSINESS PLAN? DIDN'T THEY KNOW WE COULDN'T SEE THE BUSINESS PLAN? WHAT CONFUSES ME IS THAT I HAVE BEEN TOLD THAT THE BUSINESS PLAN HAS REPEATEDLY BEEN A PART OF PUBLIC MEETINGS, STRETCHING BACK OVER SEVERAL YEARS. IT SEEMS NOW THAT IT'S ONLY BECOME A SECRET NOW THAT SOMEONE HAS ASKED FOR IT. I DO WANT TO, BEFORE I RUN OUT OF MY LAST 37 SECOND, POINT OUT THAT THE COMMISSION WILL BE MEETING TOMORROW NIGHT, AT 625 EAST 10th STREET AND THAT BIG BOX RETAIL ON THIS CORNER WILL BE A PART OF THAT DISCUSSION. ANYBODY WHO WANTS TO ATTEND THAT MEETING THAT'S AGAIN AT 6:25 EAST 10th STREET, THAT'S THE WALLER CREEK CENTER, THE ROBERT MUELLER MUNICIPAL PLAN IMPLEMENTATION ADVISORY COMMISSION WILL BE MEETING. I JUST WANTED TO TAKE MY LAST 10 SECONDS TO SAY SINCE IT'S BEEN DISCUSSED IN PUBLIC MEETINGS, IF ANYBODY HAS A COPY OF THE SECRET CATELLUS BUSINESS PLAN, CALL KEITH AT 407-8820. 407-8820. SOMEBODY SOMEWHERE KNOWS WHAT'S IN THIS PLAN.

Mayor Wynn: THANK YOU MR. SINGLETON. MARY LEHMANN. WELCOME. MARY, YOU WILL HAVE THREE MINUTES, FOLLOWED BY LAURA KOENIG.

THANK YOU, MEMBERS OF THE CITY COUNCIL. THIS BUSINESS PLAN IS VERY INTERESTING. IT HAS A PROVISION, I BELIEVE IN IT, THAT WE ARE STILL TRYING TO UNDERSTAND. THE CITY IS TO PAY THE DEVELOPER FOR PUTTING IN INFRASTRUCTURE THAT VASTLY INCREASES THE VALUE OF THE CITY'S LAND. TO PAY FOR THIS INFRASTRUCTURE THE CITY IS THEN SELLING THIS GREATLY INCREASED VALUED LAND. LIKE THE FARMER WHO GETS HIS LAND PLOWED AND THEN PAYS FOR IT BY SELLING THE LAND? WE ARE STILL TRYING TO ABSORB THE REASONING BEHIND THIS. ALSO, IT SEEMS THAT THE BUSINESS PLAN PLOWED THROUGH UNCHANGED TO ITS GOAL OF SELLING. IT WOULD EXPLAIN WHY WE WERE TOLD THAT THE TOTAL VALUE THAT IS AT STAKE ISN'T NECESSARY FOR THE COUNCIL TO KNOW IN DECIDING. THAT DEVELOPER IS GOING TO BUY THE LAND SECTION BY SECTION AND SELL IT TO OTHER DEVELOPERS AND THAT HAS NOT CHANGED, SO, OF COURSE, NO ONE INSISTED ON LEARNING THE TOTAL VALUE.

SO KEEP THE LAND HAS DECIDED THAT WE WILL MAKE AN EFFORT, BECAUSE WE DON'T THINK THEY ARE GOING TO GET THAT TOTAL VALUE AT STAKE, WHICH -- WHICH IS BASIC THING THAT YOU ARE BARGAINING ABOUT. WE WILL MAKE AN EFFORT TO GET A PROFESSIONAL DETERMINATION OF THE TOTAL REVENUE POTENTIAL OF THIS PIECE OF LAND, THE MUELLER FORMER AIRPORT. FINALLY, I WOULD LIKE TO ADDRESS WHAT BETTY DUNKERLY BROUGHT UP. I THINK SHE SAID VERY TRUTHFULLY IN HER MIND THAT ONE REASON FOR SELLING WAS THAT TEXANS AREN'T USED TO NOT BEING THE SOLE OWNER OF THE HOUSE AND THE LAND. I WANTED TO JUST POINT OUT, THAT CONDOMINIUMS, YOU OWN WHAT YOU LIVE IN, BUT YOU ARE NOT SOLE OWNER OF THE LAND THEY'RE ALL OVER THE COUNTRY. ALSO COMMUNITY LAND TRUSTS ARE ALL OVER THE COUNTRY. NOT TO MENTION THE STATE OF HAWAII WHERE 90 -- OVER 90% OF THE LAND IS LEASED. SO I THINK WE CAN LIVE WITH THIS AND IT HAS A BENEFICIAL EFFECT ON THE COMMUNITY BECAUSE IF YOU TAKE THE LAND OFF THE MARKET, IT'S NOT GOING TO SPIRAL UP IN VALUE AND MAKE AUSTIN TOO EXPENSIVE TO LIVE IN. FURTHERMORE, YOU WILL BE INVESTING YOUR MONEY IN YOUR HOUSE, WHICH IS A VERY GOOD EFFECT ON THE NEIGHBORHOOD INSTEAD OF JUST SITTING [BUZZER SOUNDING] SO YOU CAN CASH IN ON THE LAND. THANK YOU VERY MUCH FOR YOUR ATTENTION.

Mayor Wynn: THANK YOU, MS. LEHMANN. LAURA KOENIG, FOLLOWED BY PAT JOHNSON. COUNCILMEMBER MCCRACKEN CAN USE THAT SHOE AT HOME.

YES, SIR. I CAN. [LAUGHTER]

COUNCILMEMBER ALVAREZ IS NOT FAR BEHIND. [LAUGHTER]
GOOD AFTERNOON, I'M LAURA KOENIG WITH THE FUND FOR CHILD CARE EXCELLENCE, ALSO REPRESENTING A VOLUNTEER COMMITTEE TODAY, THE WEEK OF THE YOUNG CHILD PLANNING COMMITTEE. WE ARE A GROUP OF MAINLY EARLY EDUCATION EDUCATORS IN THE AUSTIN AREA WHO HELP BRING ABOUT PUBLIC AWARENESS EVENTS FOR WEEK OF THE YOUNG CHILD, WHICH IS NEXT WEEK. AND THESE ARE SPECIAL INVITATIONS TO MEMBERS OF THE COUNCIL TO COME TO A SPECIAL EVENT, RECENTLY THE CITY OF AUSTIN IN CONJUNCTION WITH THE FUND FOR CHILD CARE

EXCELLENCE, CHILD INCORPORATED AND THE UNITED WAY CAPITAL AREA FUNDED A SURVEY OF CHILD CARE FACILITIES IN THE GREATER AUSTIN AREA. TO FIND OUT WHAT THE NEEDS WERE. AND WILL BE RELEASING THE DATA FROM THIS SURVEY IN A PRESS CONFERENCE NEXT WEDNESDAY AT 9:00 A.M. AT FIRST UNITED METHODIST CHURCH, WHICH IS ALSO THE SITE OF NATIONALLY ACCREDITED CHILD CARE FACILITY. FOLLOWING THE PRESS CONFERENCE WE ARE GOING TO HAVE GUIDED TOURS OF CHILD CARE FACILITIES IN THE AUSTIN AREA TO GIVE POLICY MAKERS A FIRSTHAND LOOK AT WHAT'S GOING ON IN CHILD CARE RIGHT NOW. WE KNOW THAT MANY MEMBERS ON THE COUNCIL HAVE CONCERNS ABOUT THAT. MOST IMPORTANTLY, I'M HERE TODAY TO -- TO RECOGNIZE YOUR WORK AS PART OF THE COUNCIL ON THIS PROJECT AND ALSO THE WORK THAT YOU HAVE DONE FOR THE CHILDREN IN THE CITY OF AUSTIN. AND WE REALLY APPRECIATE HAVING A CITY -- CITY BODY THAT RECOGNIZES THE VERY -- VERY BIG JOB THAT WE HAVE TO DO IN RAISING OUR CHILDREN, WHETHER WE BE EDUCATORS AT CHILD CARE CENTERS, PARENTS OR THE COMMUNITY AT LARGE. AND THIS WEEK IS REALLY A CELEBRATION OF YOUNG CHILDREN AND WHAT THEY DO. WE INVITE YOU TO MANY OF THE -- EVENTS THAT WE HAVE PLAN -- EVENTS THAT WE HAVE PLANNED. ONE IS A FREE DAY AT THE AUSTIN CHILDREN'S MUSEUM ON APRIL THE 25th WHERE YOU ARE WELCOME TO BRING YOUR KIDS AND HAVE A GREAT TIME. WE ALSO HAVE TRAININGS PLANNED FOR EARLY CHILDHOOD EDUCATORS DURING THE WEEK AND AT SPECIFIC EARLY CHILD CARE CENTERS. WE REALLY APPRECIATE YOUR WORK. WE HOPE TO SEE YOU THERE. WE REALLY WANT TO BE ABLE TO GIVE YOU A FIRSTHAND LOOK AT WHERE OVER 60% OF OUR CHILDREN UNDER AGE 5 SPEND A MAJORITY OF THEIR DAYS AND WHERE THEY -- WHERE WE NEED HELP IN INCREASING THEIR GROWTH AND DEVELOPMENT AT THAT AGE. SO THANK YOU VERY MUCH. WE HOPE TO SEE YOU THERE AND ENJOY YOUR SHOES, KEEP THEM ON YOUR DESKS AS REMINDERS THAT YOU ARE SOMETIMES -- SOMETIMES HAVE TO PUT YOURSELF IN OTHER PEOPLE'S SHOES DOING THIS JOB. I KNOW THESE ARE A LITTLE TIGHT FIT, BUT IT'S FUN THINKING ABOUT WHAT THOSE CHILDREN NEED. THANK

YOU.

THANK YOU, MS. KOENIG FOR YOUR IMPORTANT WORK AND VERY EFFECTIVE VISUAL BY THE WAY. MR. PAT JOHNSON, WELCOME, SIR.

GOOD AFTERNOON. START OFF, I WOULD LIKE TO COMMEND CORPORAL KEVIN 80'S WITH THE AUSTIN -- YATES WITH THE AUSTIN POLICE DEPARTMENT FOR HIS PROACTIVE APPROACH ON HAMMERING DOWN IN SOME OF THESE TOW TRUCK DRIVERS IN THE DOWNTOWN AREA. THAT'S REALLY A DOLLAR SHORT AND A DAY LATE. DETECTIVE STEVE HANLON TOLD ME ABOUT TWO WEEKS AGO, I SAID STEVE I HEAR YOU'VE BEEN IN ACADEMY TRAINING. ARE YOU TEACHING THE NEW CADETS BY CHAPTER 684. HE SAYS NO. I ASKED HIM, WHY NOT? HE SAID WELL, DUE TO RESOURCES, WE ARE NOT GOING TO PROSECUTE TOW TRUCK DRIVERS AND TOWING COMPANIES AND PROXY OWNERS FOR THEIR CRIMINAL OFFENSES ASSOCIATED WITH CHAPTER 684 OF THE TRANSPORTATION CODE. IT SEEMS THAT A CERTAIN FEW TOWING COMPANIES HAVE NO INTENTIONS OF COMPLYING WITH THE LAW. THEY KNOW THEY CAN GET AWAY WITH IT BECAUSE NOTHING IS GOING TO BE DONE TO THEM. OF COURSE, PEOPLE CAN TAKE THEM TO COURT UNDER 685 OF THE TRANSPORTATION CODE. BUT DUE TO THE PREEMPTION THEY DON'T HAVE TO WORRY ABOUT LOSING ANYTHING BECAUSE THEY ARE PRE-EMPTED FROM HAVING TO COMPLY WITH THE LAW BUT NOT FROM CRIMINAL PROSECUTION. THERE'S A CERTAIN FEW TOWING COMPANIES IN TOWN THAT ARE GIVING ALL OF THE TOWING COMPANIES A BAD NAME. THERE ARE TOWING COMPANIES OUT THERE DOING THEIR DARNEDEST TO COMPLY WITH THE STATE LAW. THE OTHERS TURN THEIR HEAD AND RIP THE PUBLIC OFF LEFT AND RIGHT. I WOULD REQUEST THAT SOME RESOURCES BE DEDICATED TO THE -- DELEGATED TO THE POLICE DEPARTMENT TO PUT MORE PEOPLE, ONE MORE WOULD BE BETTER THAN ONE WORKING THE DAY SHIFT FROM 8:00 TO 3:00 P.M. AND WHEN A LOT OF TIMES WHEN PEOPLE CALL IN, TRY TO LEAVE A MESSAGE, THE VOICE MAIL IS FULL. DETECTIVE HANLON HAS DONE A FINE JOB SO FAR, HE'S ONLY ONE PERSON, I BELIEVE IT'S THE POLICE DEPARTMENT'S RESPONSIBILITY THAT WHEN THEY WITNESS AN ILLEGAL TOW GOING ON, BECAUSE THERE'S NOT --

THERE'S IMPROPER SIGNAGE, THEY SHOULD TICKET THAT DRIVER WITH A CLASS C MISDEALER. NOW RICK PERRY CALLED A SPECIAL SESSION. I HAVE CLYDE ALEXANDER GOING TO SPONSOR A BILL IN THIS SPECIAL SESSION THAT -- TO TAKE AWAY IN THE VIOLATIONS SECTION OF 684 FOR FINE ONLY BECAUSE UNTIL YOU START PUTTING SOME OF THESE TOW TRUCK COMPANY OWNERS AND DRIVERS IN JAIL THEY ARE GOING TO CONTINUE TO DO IT BECAUSE THEY KNOW THE MAXIMUM FINE IS \$500. THEY CAN TOW OF 200 CARS OFF A PROPERTY AND NOT BE IN COMPLIANCE WITH STATE LAW. THEY MAY HAVE TO REFUND THE MONEY BACK ON TWO OF THEM, BUT THERE'S ANOTHER 198 PEOPLE THAT WERE ILLEGALLY TOWED. THIS IS NOT JUST GOING ON WITH PEOPLE WHO LIVE HERE. IT'S THE PEOPLE THAT COME TO OUR CITY TO VISIT. IT SHOULDN'T BE THAT WAY. THERE'S NO INTEGRITY AMONG CERTAIN TOWING COMPANIES, ALL THEY WANT IS THE CARS THE MONEY. I WOULD JUST ASK THAT THE CITY COUNCIL PLEASE DO SOMETHING TO PROTECT OUR RESIDENTS AND OUR VISITORS. WOULD YOU WANT YOUR MOTHER'S CAR TOWED OFF [BUZZER SOUNDING] THAT'S IT. THANK YOU.

Mayor Wynn: THANK YOU, MR. JOHNSON. COUNCIL, THAT'S ALL OF THE CITIZENS WHO HAVE SIGNED UP TODAY FOR GENERAL CITIZENS COMMUNICATION. AT THIS TIME, WITHOUT OBJECTION, WE WILL BE BACK INTO CLOSED SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO POTENTIALLY DISCUSS ITEM 38 RELATED TO MICHAEL KING VERSUS THE CITY OF AUSTIN, 39 RELATED TO SUBDIVISION PLATTING IN OUR TOOEMG AND/OR -- IN OUR E.T.J. AND/OR 40 RELATED TO THE THIRD SPECIAL CALLED STATION OF THE 78th LEGISLATURE. WE ARE NOW IN CLOSED SESSION. TEST TEST TEST THIS IS A TEST, ,,,.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION WE TOOK UP PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER 551.071, WE DISCUSSED AGENDA ITEMS 38, 39 AND 40. NO DECISIONS WERE MADE. HOWEVER, AT THIS TIME, COUNCIL, I WOULD LIKE TO CALL UP ITEM NO. 3, WHICH IS RELATED TO ITEM NO. 38 DISCUSSED IN CLOSED SESSION AND WE WILL WELCOME

MR. DAVID SMITH, CITY ATTORNEY.

MAYOR AND COUNCIL, ITEM NO. 3 IS A REQUEST TO INCREASE THE CONTRACT AMOUNT FOR OUTSIDE COUNSEL IN A -- BASICALLY WHAT'S A BACK PAY LAWSUIT FILED BY A.P.D. OFFICERS AGAINST THE CITY. BASED ON A RECENT RULING FROM THE THIRD COURT OF APPEALS IN AUSTIN IN THE CITY'S FAVOR, WE BELIEVE THAT THE REQUESTED ADDITIONAL \$25,000 WILL BE SUFFICIENT TO HANDLE THE CASE TO ITS CONCLUSION. SO FOR THAT REASON WE ARE -- WE ARE ASKING AND RECOMMENDING THAT COUNCIL EXTEND THE CONTRACT AN ADDITIONAL \$25,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$175,000. AND I'LL ANSWER ANY QUESTIONS. THANK YOU, MR. SMITH. QUESTIONS OF STAFF COUNCIL. IF NOT I'LL ENTERTAIN A MOTION ON ITEM NO. 3. MOTION MADE TO APPROVE ITEM NO. 3 BY COUNCILMEMBER ALVAREZ, I'LL SECOND THAT. FURTHER COMMENTS, DISCUSSIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. COUNCIL WITHOUT WHILE CHIEF COY IS HERE, I PULLED ITEM NO. 29 WHICH WAS RELATED TO SOME VIDEO/AUDIO EQUIPMENT FOR THE POLICE CARS, PERHAPS JUST A BRIEF STAFF PRESENTATION ABOUT THAT ITEM. SINCE -- FRANKLY A CHANCE TO TALK ABOUT ANOTHER INVESTMENT IN THE CONCEPT OF HOW DO WE BOTH PROTECT OUR OFFICERS AND CITIZENS DURING -- OFTEN TIMES DURING TRAFFIC STOPS.

THANK YOU. I'M RICK COY ASSISTANT CHIEF WITH THE POLICE DEPARTMENT. THE ITEM ON THE COUNCIL AGENDA TODAY IS FOR THE PURCHASE OF INDIVIDUAL MICROPHONE RECORDING DEVICES THAT WILL GO AND WORK WITH COMPATIBLE WITH THE -- THE AUDIOVISUAL EQUIPMENT THAT WE HAVE IN THE POLICE CARS. THE IN-CAR CAMERAS, WHICH ENABLES US TO CAPTURE NOT ONLY THE VIDEO PICTURE THAT WE CAPTURE ON THE VIDEOTAPE, BUT ALSO GET ALL OF THE AUDIO. THE PROBLEM THAT WE HAVE CURRENTLY THE WAY THE SYSTEM WORKS, WHEN WE

PURCHASE A CAMERA, A MICROPHONE COMES WITH IT. WITH THE 24/7 OPERATION THAT SAME MICROPHONE IS USED OVER AND OVER AND OVER AND CHECKED IN AND OUT AND THEY ARE NOT RUGGED OR DURABLE ENOUGH TO KEEP THE RELIABILITY THAT WE NEED TO ENSURE THAT WE DON'T HAVE A LAPSE OR A BREAKDOWN IN COMMUNICATION THAT IN A CRITICAL INCIDENT WE NEED CAPTURED. WE PLAN TO ISSUE EACH OFFICER AN INDIVIDUAL MICROPHONE TO MAKE SURE THAT IT WORKS PROPERLY AND UTILIZED PROPERLY.

Mayor Wynn: SO PERHAPS INSTEAD OF NEW TECHNOLOGY, THIS IS SIMPLY A MUCH LARGER PURCHASE TO HAVE MORE OF THE SAME TYPE OF EQUIPMENT?

RIGHT. IT'S TO MAKE SURE THAT WE HAVE EQUIPMENT -- LIKE RIGHT NOW WHEN AN OFFICER CHECKS ONE OUT, HE HAS NO IDEA IF IT'S FUNCTIONING PROPERLY OR NOT, IT'S CHECKED OUT FROM THE SHOP THERE, THE PROPERTY CONTROL OFFICER. HE USES IT I HAD A CASE THE OTHER DAY, AS A MATTER OF FACT THE GENTLEMAN THAT SPOKE THIS MORNING, MR. CASTRO, I PERSONALLY REVIEWED HIS VIDEOTAPE WHILE. WHILE -- YESTERDAY. WHILE THE VIDEO WAS PERFECT, THE AUDIO HAD CRACKS AND BREAKS AT TIMES. YOU ARE ABLE TO CAPTURE 95% OF WHAT WAS SAID, BUT THERE WAS 5% MISSING, THAT'S CRITICAL WHEN YOU HAVE A COMPLAINT FROM A CITIZEN.

Mayor Wynn: CORRECT. THANK YOU, CHIEF. FURTHER QUESTIONS OF STAFF? COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM NO. 29.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE ITEM NO. 29. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. COUNCIL, WITH THAT, LET'S GO TO OUR 2:00 TIME CERTAIN, WHICH WAS A --

A BRIEFING PRESENTATION OF A THREE-YEAR FINANCIAL FORECAST BY STAFF.

Futrell: COUNCIL, I WOULD LIKE TO GIVE YOU AN OVERVIEW, THEN I WILL BE TURNING IT OVER TO RUDY GARZA, OUR BUDGET OFFICER TO GO INTO SOME DETAIL. WE ARE REALLY PRESENTING TODAY A NON-TRADITIONAL FIVE-YEAR FORECAST, WHY A NON-TRADITIONAL APPROACH? THE UPCOMING 2005 BUDGET REPRESENTS THE FINAL YEAR OF A THREE-YEAR FINANCIAL RECOVERY PLAN FOR THE CITY OF AUSTIN. SO TODAY INSTEAD OF LOOKING FORWARD WITH THE TRADITIONAL FIVE-YEAR FORECAST, WE ARE GOING TO DO SOMETHING A BIT UNUSUAL. KEEPING WITH THE FIVE-YEAR FINANCIAL WINDOW, WE ARE GOING TO FIRST LOOK BACK AT THE LAST TWO YEARS, BEFORE LOOKING FORWARD TO THE NEXT THREE. LOOKING BACK, BEFORE LOOKING FORWARD, WILL HELP ILLUSTRATE BOTH THE PIVOTAL SIGNIFICANCE OF THE 2005 BUDGET AS WELL AS THE -- TO HIGHLIGHT THE HEAVY LIFTING THAT THIS COUNCIL AND THIS ORGANIZATION HAS DONE OVER THE PAST TWO YEARS IN ACHIEVING LONG-TERM FINANCIAL VIABILITY FOR OUR COMMUNITY. HOW DID WE BEGIN? WHEN THE ECONOMIC DECLINE HIT HARD NOT LONG AFTER THE 2002 BUDGET WAS ADOPTED, OUR ONGOING EXPENDITURES WERE SIGNIFICANTLY GREATER THAN THE CITY'S DECLINING REVENUE STREAM. WE WERE CHALLENGED BY DRAMATICALLY DECLINING SALES TAX AND COMMERCIAL PROPERTY VALUATIONS SO WE ARE SENDING MORE THAN WE WERE GOING TO MAKE. THIS WAS NOT UNLIKE THE HARSH BUDGET REALITY FOR EVERY MAJOR CITY IN OUR COUNTRY, WE WERE DEEPLY AND STRUCTURALLY IMBALANCED. MEANWHILE COMMITTED COSTS, WHAT WE CALL OUR COST DRIVERS CONTINUE TO INCREASE IN AREAS SUCH AS PUBLIC SAFETY, EMPLOYEE BENEFITS, THE OPENING OF NEW FACILITIES, AND INDIGENT HEALTH CARE. SO TO FIGHT MAKING SIGNIFICANT CUTS IN A PRIOR YEAR, DECLINING REVENUE IN THE FACE OF COMMITTED COST INCREASES, CONTINUED TO CREATE SHORTFALLS IN EACH SUBSEQUENT YEAR. BUT WE COMMITTED TO A COURSE OF FINANCIAL ACCOUNTABILITY AND STABILITY. WE COMMITTED TO REACHING STRUCTURAL BALANCE. THAT REQUIRED OVERCOMING A NUMBER OF BARRIERS. IT REQUIRED

FOCUSING ON A MULTI-YEAR BUDGET HORIZON. IT REQUIRED CONTAINING THE RATE OF GROWTH OF THESE COMMITTED COSTS OR COST DRIVERS. IT REQUIRED CONCENTRATING ON MAKING PERMANENT REDUCTIONS AND RESISTING THE URGE TO RELY ON ONE-TIME FUNDS OR CONTINGENCY FUNDS. IT REQUIRED RECOGNIZING THE NEED TO STABILIZE OUR REVENUE STREAM. A GREATLY DECLINING REVENUE BASE, THROUGH THE EFFECTIVE TAX RATE. AND IT REQUIRED ACKNOWLEDGING THAT IT CAN'T BE BUSINESS AS USUAL. THAT THERE WAS GOING TO BE A NEW ORGANIZATIONAL NORM WITH A DIFFERENT REVENUE BASE IN OUR COMMUNITY. AND FINALLY, IT REQUIRED FINDING AND BUILDING COMMUNITY TRUST AND CREDIBILITY WHILE WE WERE MAKING THESE VERY TOUGH BUDGET REDUCTIONS. IN OUR APPROACH TO REACHING STRUCTURAL BALANCE WE MADE THREE STRONG COMMITMENTS TO THE COMMUNITY: FIRST, WE COMMITTED TO CUTTING EXPENSES BEFORE LOOKING TO A TAX INCREASE. SECOND, WE COMMITTED TO CUTTING MANAGEMENT, ADMINISTRATIVE AND SUPPORT SERVICES AND COSTS BEFORE CUTTING DIRECT SERVICES TO CITIZENS. AND, THIRD, WE COMMITTED TO RETHINKING AND RESHAPING OUR SERVICE DELIVERY MODELS, TO INNOVATE BEFORE WE ACTUALLY CUT SERVICE LEVELS. SO LET'S LOOK BACK QUICKLY. WHAT DID WE ACHIEVE OVER THIS LAST TWO AND A HALF YEARS? IN 2002, REMEMBER WE HAD JUST PASSED THE 2002 BUDGET WHEN WE WERE FACED WITH THIS DILEMMA, WE INITIATED A HIRING FREEZE AND WE BEGAN EXTENSIVE COST CONTAINMENT MEASURES TO PRODUCE AN ENDING BALANCE OF ONE-TIME MONEY OF OVER \$34 MILLION. AND THAT'S HOW WE STARTED THE 2003 BUDGET. IN 2003, WE CUT \$31 MILLION AND OVER 320 POSITIONS PERMANENTLY FROM THE GENERAL GOVERNMENT BUDGET, INCLUDING 17 MILLION IN MANAGEMENT AND ADMINISTRATIVE COSTS. OUR NON-UNIFORMED EMPLOYEES WENT WITHOUT A COST OF LIVING WAGE ADJUSTMENT AND WE LOWERED THE OVERALL PROPERTY TAX BURDEN BY STAYING AT THE NOMINAL TAX RATE. WE WERE THE ONLY ENTITY IN THIS JURISDICTION THAT DID THAT. IN 2004, WE ELIMINATED ANOTHER 519 POSITIONS AND 54 MILLION IN CITY-WIDE EXPENDITURES, INCLUDING 38 MILLION AND 344 POSITIONS FROM GENERAL

GOVERNMENT. WE CUT 200 EXECUTIVE MANAGEMENT AND ADMINISTRATIVE POSITIONS, SAVING \$11 MILLION. AND WE REDUCED OUR MANAGEMENT AND ADMINISTRATIVE RATIO TO 4.5% OF OPERATIONS. THAT'S A VERY LEAN BUDGET. OUR EMPLOYEES GENERATED OVER 4,000 IDEAS THAT SAVED 10 AND A HALF MILLION. AND OUR EMPLOYEES WENT A SECOND YEAR WITHOUT A PAY ADJUSTMENT. AND DESPITE ALL OF THESE REDUCTIONS, WE HELD THE CITY PROPERTY TAX BURDEN CONSTANT IN THIS COMMUNITY BY ADOPTING THE EFFECTIVE TAX RATE. NOW, LOOKING FORWARD, THINGS ARE LOOKING UP. OUR ECONOMY IS SHOWING SIGNS OF RECOVERY. AND WE HAVE BEEN ABLE TO MAKE SLIGHTLY MORE OPTIMISTIC REVENUE PROJECTIONS FOR THE NEXT THREE YEARS. WE ARE HOPEFUL, BUT NOT READY OR ABLE TO CELEBRATE YET. SO THE GRAPH THAT IS UP ON THE SCREEN IS JUST A -- SORT OF A QUICK WAY TO LOOK AT HOW THE NUMBERS FLOW OVER THE YEARS. WE HAVE LOOKED BACK TO, WE ARE LOOKING -- WE HAVE LOOKED BACK TWO, LOOKING FORWARD THREE, 2005, THE UPCOMING BUDGET YEAR REMAINS THE PIVOTAL YEAR IN OUR BUDGET PLAN FOR ACHIEVING STRUCTURAL BALANCE. BECAUSE 2005 PROJECTED REVENUE IS NOW 5.6 MILLION GREATER AND EXPENDITURES ARE 4.4 MILLION LESS, THAN INITIALLY ESTIMATED, AND THIS IS DUE TO OUR CONSTANT ONGOING COST CONTAINMENT MEASURES, OUR GAP IS SMALLER THAN ANTICIPATED. THESE REVISED ESTIMATES MAKE OUR PROJECTED 2005 SHORTFALL OF 19.4 MILLION ABOUT 10 MILLION LESS THAN THE 29 MILLION GAP IN OUR ORIGINAL FORECAST. THAT'S THE GOOD NEWS. BUT I DON'T WANT TO MINIMIZE THE OVER 19 MILLION DOLLAR GAP THAT HAS TO BE CLOSED IN 2005. AFTER THREE YEARS OF SIGNIFICANT REDUCTIONS, 2002, 2003, 2004, THE LOW HANGING FRUIT IS GONE. AND ANY REDUCTION IS DIFFICULT. CLOSING THE 2005 GAP WILL CERTAINLY AFFECT THE PROVISION OF DIRECT SERVICES AND IT CAN INCLUDE AFFECTING THE FACILITY HOURS AND PROGRAM LEVELS. BUT IF WE DON'T CUT CORNERS, AND WE STRUCTURALLY ADDRESS THIS GAP, THE PROJECTED FINANCIAL VARIANCE BETWEEN REVENUE AND EXPENDITURES IN 2006 AND 2007 REPRESENTS APPROXIMATELY 2% OF DEPARTMENTAL BUDGET. AND THIS IS THE GOOD NEWS. 2% IS NOT STATISTICALLY SIGNIFICANT FOR A BUDGET OF OUR SIZE.

FOR ALL PRACTICAL PURPOSES, OUR REVENUE GROWTH WILL HAVE CAUGHT UP WITH OUR RATE OF GROWTH AND COMMITTED COSTS AFTER 2005. WE WILL HAVE REACHED STRUCTURAL BALANCE. OUR GROWTH IN REVENUE IS MATCHING OUR GROWTH IN EXPENDITURES. NOW, CONTRAST THIS WITH, THIS WILL GO TO THE SECOND GRAPH, CONTRAST THIS WITH WHAT HAPPENS IF YOU RELY ON CONTINGENCY FUNDS OR ONE-TIME DOLLARS TO CLOSE THE GAP. WHAT YOU'LL SEE IS THAT YOU DON'T ACTUALLY CLOSE THE GAP. IN FACT YOUR BALANCED BUDGET IS AN ILLUSION. YOU CAN SEE THAT BY DEFERRING THE NECESSARY REDUCTIONS, YOU QUICKLY WIPE OUT YOUR ONE-TIME OR CONTINGENCY FUNDS, AND ESSENTIALLY YOU ARE ON COMPOUNDING THE REAL PROBLEM IN FUTURE YEARS. NOW, BECAUSE THINGS ARE BEGINNING TO LOOK UP, WE RECOMMEND PAIRING THE \$19 MILLION OF STRUCTURALLY BALANCED REDUCTIONS WITH THE JUDICIOUS USE OF SOME OF OUR ONE-TIME FUNDS IN 2005. SO ON THE FIRST GRAPH, YOU WILL SEE AT THE BOTTOM THAT WE DO RECOMMEND APPROXIMATELY \$8 MILLION OR 20% OF OUR ENDING BALANCE FOR CRITICAL ONE-TIME EQUIPMENT OR CAPITAL COSTS. AND THIS IS CONSISTENT WITH THE COUNCIL'S FINANCIAL POLICY OF HOW TO USE THESE FUNDS. THESE COSTS, THESE CAPITAL COSTS, THESE ONE-TIME COSTS HAVE BEEN DEFERRED FOR SEVERAL YEARS. AND IT IS TIME TO START TO BEGIN TO CATCH UP. SO WHAT ARE OUR FUTURE CHALLENGES? IT'S IMPORTANT TO RECOGNIZE THE SIGNIFICANCE OF 2005. THIS IS IT. THIS IS THE PIVOTAL YEAR. THIS IS THE YEAR THAT IF WE DO IT RIGHT WE HAVE REACHED OUR GOAL OF STRUCTURAL BALANCE. IF WE HOLD ON TO OUR BUDGET VALUES, WE CLOSE THE PROJECTED GAP, WE WILL HAVE RETURNED FINANCIAL STABILITY TO THE CITY IN JUST THREE BUDGET YEARS. AND IT'S CRUCIAL TO RECOGNIZE THAT MAINTAINING THAT HARD FOUGHT STRUCTURAL BALANCE AND FINANCIAL STABILITY IS RELIANT ON HOLDING THE LINE ON WHAT IS ADMITTEDLY A VERY PARED DOWN BUDGET. IT IS NOT THE BUDGET OF THE LAST DECADE. OUR BRANCH LIBRARIES ARE ONLY OPEN FIVE DAYS A WEEK. OUR REC CENTERS DO HAVE REDUCED HOURS. WE ARE ACKNOWLEDGING AND WE ARE ACCEPTING THAT AT THIS STRUCTURALLY BALANCED BUDGET, THERE IS A NEW

ORGANIZATIONAL NORM FOR SERVICE LEVELS. EVEN MORE IMPORTANTLY, THE PENT UP DEMAND FOR CITY SERVICES AND CITY FUNDS IS TREMENDOUS. THE PENT UP DEMAND NEEDS TO BE CAREFULLY PRIORITIZED SO THAT WE CAN STRATEGICALLY PLAN FOR OUR ABILITY TO ADD BACK AND REBUILD OUR SERVICES AS OUR ECONOMY REBOUNDS OVER THE NEXT YEARS. WE HOPE TO BEGIN THAT STRATEGIC DIALOGUE WITH COUNCIL DURING THE POLICY BUDGET DISCUSSION NEXT MONTH. THE POLICY BUDGET DISCUSSION IS SCHEDULED FOR MAY 27th. SO NOW I WOULD LIKE TO TURN IT OVER -- I DON'T KNOW WHETHER VICKI OUR FINANCIAL OFFICER OR RUDY, SHE'S POINTING TO RUDY, SO RUDY OUR BUDGET OFFICER WILL NOW GO OVER SOME OF THE DETAILS OF THE FORECAST DOCUMENT.

GOOD AFTERNOON, MAYOR AND COUNCIL, I'M RUDY GARZA, YOUR BUDGET OFFICER. WHAT I WOULD LIKE TO DO IS FIRST I'D LIKE TO START FOR THE FOLKS THAT ARE HAVING A CHANCE TO WATCH THIS AT HOME, LET THEM KNOW THAT THE ACTUAL FORECAST DOCUMENT THAT YOU WILL SEE THE COUNCIL WITH TODAY, CITY MANAGER, IS ON THE WEB AND CAN BE DOWN LOADED. THESE SLIDES AND PRESENTATIONS THAT WE ARE GOING TO -- THAT THE CITY MANAGER JUST SHOWED AND THE REST OF THE SLIDES THAT I'LL GO OVER ARE ALSO CURRENTLY ON THE WEB AND YOU CAN DOWN LOAD THOSE IF YOU WANT TO FOLLOW THROUGH. I THINK THE MANAGER ALLUDED TO THIS, AS FAR AS THE MAY 27th DATE. ANOTHER MESSAGE FOR THE PUBLIC IS THAT THIS IS NOT THE PROPOSED BUDGET. AND I THINK THAT'S IMPORTANT FOR THE PUBLIC TO UNDERSTAND. THIS IS BASICALLY THE FIRST MAJOR STEP AS WE GO TOWARDS DEVELOPING THE PROPOSED BUDGET. THINGS WILL CHANGE. BUT AGAIN THAT'S OUR -- THAT'S MY OPENING TO LET PEOPLE KNOW WHAT'S GOING ON TODAY. WHAT I WOULD LIKE TO DO NOW IS JUST GO OVER SOME OF THE BASIC ASSUMPTIONS, SOME OF THE ASPECTS OF OUR MAJOR REVENUES AND BASIC ASSUMPTIONS REGARDING OUR EXPENDITURES.

I THINK MAYBE JUST AS ONE QUICK ILLUSTRATOR, AS WE WERE LITERALLY GOING TO PRINT ON THE FORECAST, WE HAD A CHANCE TO GET ART COREY, OUR TAX APPRAISER'S MOST RECENT ASSESSMENT OF PROPERTY EVALUATIONS

AND IN FACT WE HAD TO MAKE ANOTHER ADJUSTMENT ON OUR ESTIMATES ON PROPERTY VALUATIONS. JUST AS A CAUTION, THIS IS ONCE AGAIN THE FIRST ESTIMATE, THE FIRST STEP TOWARD OUR PROPOSED BUDGET. (FUTRELL).

TALKING ABOUT PROPERTY TAX, IT MAKES UP APPROXIMATELY 34% OF OUR TOTAL GENERAL FUND RESOURCES. THE TWO BASIC ASSUMPTIONS REGARDING THAT REVENUE IS THAT WE WILL BE AT THE EFFECTIVE TAX RATE EVERY YEAR IN THE FORECAST PERIOD. YOU SEE ON THE SLIDE THERE WHAT THAT MEANS. CURRENT TAX RATE OF 49.28 IN FISCAL YEAR '05 THE EFFECTIVE TAX RATE IS ESTIMATED AT 50.13. ABOUT AN 8/10thS OF A PENNY INCREASE. THEN YOU SEE 2006 AND 2007 50.46, 50.63. THE ASSESSED VALUATION ASSUMPTIONS. AS THE MANAGER NOTED THESE ARE BASED AGAIN ON EARLY BUT THE MOST -- UPDATED INFORMATION THAT WE COULD OBTAIN REGARDING ASSESSED VALUATIONS. IT'S GOOD NEWS, IF YOU RECALL LAST YEAR WE WERE ESTIMATING THAT WE WOULD SEE ANOTHER DROP IN ASSESSED VALUATIONS, WE BELIEVE AT THIS POINT THAT THE 1.3% ESTIMATED GROWTH IS PRETTY CLOSE. IT NOT GOING TO BE EXACT. BUT THAT'S THE LATEST INFORMATION THAT WE HAVE. WE DO ANTICIPATE THAT THE -- THAT THE TIPPED RECOVERY IN THE ECONOMY WILL HELP US SEE SOME FURTHER GROWTH IN THE LAST TWO YEARS OF THE FORECAST, THE 3.5% GROWTH IN '06 AND A 4.5% GROWTH IN '07. BASED ON THE EARLY INFORMATION THAT WE GOT, THE PRELIMINARY NUMBERS THAT YOU SEE IN CHANGES IN PROPERTY VALUE, THIS IS IMPORTANT FOR ALL OF US TO RECOGNIZE, AS YOU SEE, SINGLE FAMILY RESIDENTIAL, WHICH MAKES UP ALMOST HALF OF OUR ENTIRE AV, ASSESSED VALUATION, IS ACTUALLY ABOUT 48% OF THE ENTIRE ASSESSED VALUATION IS SINGLE FAMILY RESIDENTIAL. WE DO ANTICIPATE ABOUT A 4.5% INCREASE IN THOSE VALUES. THE BIG DROP AGAIN IS THE COMMERCIAL PROPERTY. COMMERCIAL PROPERTY MAKES UP APPROXIMATELY 23% OF A TOTAL ASSESSED VALUATION, WE SEE AN 8% DROP THERE. MULTI-FAMILY RESIDENTIAL VALUES ARE ANTICIPATED TO DROP A LITTLE OVER 1.5%. PERSONAL PROPERTY, WHICH IS ACTUALLY AN AREA THAT -- THAT THE TAX APPRAISER MADE IT PRETTY CLEAR TO US THAT

THERE'S STILL SOME SIGNIFICANT OUTSTANDING INFORMATION, THE RENDITIONS, FINAL DEADLINE IS MAY 15th. SO WE ANTICIPATE THAT THAT NUMBER WILL DEFINITELY CHANGE, BUT AT THIS POINT THE NUMBERS ARE THAT PERSONAL PROPERTY WOULD DROP ABOUT 8.5%. NOW I'M GOING TO RUN THROUGH SOME OF THE SLIDES THAT WE NORMALLY GO THROUGH WHEN WE TALK ABOUT PROPERTY TAX. AS WE COMPARE OURSELVES TO THE MAJOR CITIES, ONE OF THE ADJUSTMENTS THAT WE MAKE, WE ADJUST THE CITY'S TAX RATE FOR THE EQUIVALENT VALUE FOR OUR CONTRIBUTION TOWARDS INDIGENT HEALTH CARE N. AUSTIN IT'S ABOUT 5.97 CENTS. THE REASON THAT WE DO THAT IS BECAUSE IN ALL OF THE OTHER MAJOR CITIES THEY DO HAVE A HOSPITAL DISTRICT SO THEY AREN'T FUNDING THOSE SERVICE WAS GENERAL FUND DOLLARS. SO THE TAX RATES THAT YOU SEE THERE ARE AS OF 2004, THESE ARE THE MOST UPDATED INFORMATION THAT'S WE COULD GET. THE CITY OF AUSTIN HAS THE LOWEST TAX RATE AT 43.31 CENTS ONCE WE MAKE THAT ADJUSTMENT. HOWEVER, AS WE ALL KNOW IN AUSTIN, THE BIG COMPONENT IS THE ASSESSED VALUATIONS, WE ARE GOING TO HAVE ANOTHER SLIDE AFTER THIS FURTHER DOWN, BUT BASED ON THE AV THAT WE SEE, YOU SEE THAT THE CITY OF AUSTIN TAX BILL ACTUALLY GOES TO THE OTHER SIDE OF THE GRAPH AT \$758 FOR THE AVERAGE TAX BILL. AGAIN MAKING THE ADJUSTMENT FOR THE HOSPITAL DISTRICT. THE NEXT CLOSEST CITY IS THE THE CITY OF DALLAS AT \$737 FOR THE AVERAGE TAX BILL. IN 2004, THE AVERAGE HOME VALUE IS ESTIMATED AT 175,100 BASED ON THE MOST UPDATED INFORMATION THAT WE HAVE RECEIVED FROM THE APPRAISAL OFFICE, THE AVERAGE HOME VALUE IS ESTIMATED TO BE \$182,200. SO SLIGHT INCREASE. BUT IT MAKES MORE SENSE WHEN WE TALK ABOUT PROPERTY TAXES FOR -- FOR OUR CITIZENS AND FOR YOU AND I, WHEN WE LOOK AT THE ENTIRE TAX BURDEN, ON OUR CITIZENS, AND SO WE TALK ABOUT THE OVERLAPPING TAX RATE. WHAT YOU SEE IN THE NEXT SERIES OF SLIDES ARE -- ARE ALL OF THE TAX RATES FOR ALL OF THE TAXING ENTITIES WITHIN EACH OF THE MAJOR CITIES. YOU WILL NOTICE AUSTIN AT THE FAR RIGHT, THE CITY TAX RATE AGAIN AT 43.31 CENTS, MAKING THAT ADJUSTMENT. IT'S A LITTLE OVER 16% OF THE ENTIRE

OVERLAPPING TAX RATE IN AUSTIN. THE COUNTY FOLLOWS AT 47.89, ALMOST 18% OF THE TAX RATE. AND THE REST OF THE INFORMATION IS THERE. YOU SEE THE CORRESPONDING INFORMATION FOR ALL OF THE MAJOR CITIES. THE GRAPHIC AT THE BOTTOM SHOWS YOU BASICALLY THAT -- THAT TALKING ABOUT OVERLAPPING TAX RATES, AUSTIN CONTINUES TO BE THE LOWEST CITY. BUT HERE'S WHAT'S PUTS THINGS IN A LITTLE MORE PERSPECTIVE IS THE AVERAGE HOME VALUE. THIS IS A VERY BUSY SCHEDULE. I UNDERSTAND THAT, BUT IT WAS IMPORTANT FOR US TO BE ABLE TO SHOW THIS INFORMATION TO YOU. AS YOU KNOW, EVERY TAXING ENTITY HAS DIFFERENT COMPONENTS TO EXEMPTIONS AND HOW THEY DO THEIR -- WHAT GOES INTO ASSESSED VALUATIONS. YOU SEE THE DIFFERENT COMPONENTS OF THE AS VESTED VALUATIONS, YOU LOOK AT THE VERY BOTTOM ONE, THE BLUE BOX IS THE CITY VALUATION. IN AUSTIN, AGAIN THIS IS BASED ON 2004 DATA, TO BE -- TO MAKE SURE THAT WE COULD CORRESPOND TO THE OTHER CITY, OUR AVERAGE VALUE IS 175,100. THE CITY OF DALLAS NEXT CLOSEST. BASICALLY 66% DIFFERENCE BETWEEN OUR VALUE AND THE CITY OF DALLAS. IF YOU GO ALL THE WAY DOWN TO FORT WORTH, IT'S ABOUT 140% DIFFERENCE IN THE AVERAGE HOME VALUE. THAT MAKES A DIFFERENCE WHEN YOU TALK ABOUT THE AVERAGE TAX BILL. YOU SEE EVERY COMPONENT OF THE ASSESSED VALUATION FOR AN AVERAGE TAXABLE HOME IS LARGER IN THE CITY OF AUSTIN. APPLYING, ASSESSED VALUATIONS, TAX RATES, THE CITY OF AUSTIN OF US MAKES UP ABOUT ... AUSTIN I.S.D. TAXPAYER. YOU SEE THE SCHOOL DISTRICTS RIGHT AT ABOUT 60%, THE COUNTY IS JUST UNDER 17% OF THE ENTIRE TAX BILL. THE OVERALL TAX BILL AS YOU CAN SEE, THE DIRECT COMPONENT OF THE ASSESSED VALUATION THE CITY OF AUSTIN IS AT \$4,300 COMPARED TO THE NEXT HIGHEST WHICH IS HOUSTON AT 2,898. JUST TAKING THE COMPARISONS IS ONE STEP FURTHER THE NEXT SLIDE IS KINDS OF A SEGUE TO THE FOLLOWING SLIDE, LIKE MEDIAN FAMILY INCOME. THE SOURCE OF INCOME IS THE H.U.D. MEDIAN FAMILY INCOME, ESTIMATED MEDIAN FAMILY INCOMES IN AUSTIN. IN AUSTIN 66,900 IS THE HIGHEST COMPARED TO ALL OF THE OTHER MAJOR CITIES. THAT'S IMPORTANT WHEN YOU LOOK AT THE NEXT SLIDE WHICH IS

THE BURDEN OF THE TAX BILL OVER THE MEDIAN FAMILY INCOME. THIS -- THIS IN A SENSE EQUALIZES A LOT OF THE DISCUSSION THAT'S WE HAVE ABOUT TAXES. WE HIGHLIGHTED FOR YOU FIRST ROW WHICH IS THE CITY, IF YOU NOTICE THAT, THE CITY OF AUSTIN IS ABOUT 1.13% OF THE MEDIAN FAMILY FAMILY INCOME. THAT'S IMPORTANT WHEN YOU LOOK ACROSS THE REST OF THE CITIES. WE AREN'T THAT FAR OFF. THAT'S THE PURPOSE OF THIS INFORMATION, TO SHOW YOU THAT, YES, WE DO HAVE THE HIGHER TAX BILL, BUT IN COMPARISON TO MEDIAN FAMILY INCOME WE ARE RIGHT IN LINE WITH THE OTHER MAJOR CITIES. NOW I WANT TO TALK ABOUT SALES TAX, WHICH IS THE NEXT BIGGEST COMPONENT IN THE GENERAL FUND REVENUE. SALES TAX IS APPROXIMATELY 24% OF TOTAL REVENUE FOR THE GENERAL FUND. THE SUMS THERE IS PRETTY SIMPLE ASSUMPTION. WE HAVE SEEN IT, YOU HAVE BEEN KEEPING UP WITH US ON SALES TAX. I BELIEVE I SENT YOU A MEMO LAST WEEK ON CONTINUED POSITIVE OUTLOOK WE ARE ASSUMING THAT THE ECONOMIC RECOVERY, ALTHOUGH SLIGHT, WILL CONTINUE, OUR GROWTH RATES IN THE FORECAST PERIOD YOU WILL SEE THERE AT 4% IN '05, 4.5 IN '06, 5% IN 07. TO CLOSE OUT THE REVENUES, THE NEXT BIGGEST COMPONENT IS UTILITY TRANSFERS, OUR RETURN OF INVESTMENT FOR THOSE FUNCTIONS, ACCOUNTS FOR 21% OF THE TOTAL REVENUES. TRANSFER RATES IN THE FORECAST MAINTAIN THE SAME RATES AT 9.1% TRANSFER RATE FOR THE ELECTRIC UTILITY AND 8.2% RATE FOR THE WATER UTILITY. IN ADDITION, AS WE TALKED TO YOU APPROXIMATELY TWO YEARS AGO, WHEN WE DID THE BUDGET, WE MADE A COMMITMENT THAT WE WOULD CONTINUE TO LOOK AT -- DO AN ONGOING UPDATE OF OUR REVENUES. THE LAST TIME WE DID THIS EXERCISE, WHICH WAS TWO FISCAL YEARS AGO, WE FOUND OURSELVES WITH FEES AND RATES THAT HAD NOT BEEN INCREASED IN OVER 20 YEARS. SO WE HAVE MADE A COMMITMENT TO EVERY OTHER YEAR HAVING COMPREHENSIVE REVENUE INITIATIVE TO MAKE SURE THAT WE DON'T FALL BEHIND. CLEARLY COSTS HAVE INCREASED OVER A 20 YEAR PERIOD. WE ARE STILL CHARGING FEES THEN. SO THE FORECAST INCLUDES THE IMPACT OF THAT INITIATIVE WHICH IS INCREASING FEES, BASED ON INFLATION YEAR INFLATIONARY ADJUSTMENTS, COSTS OF

SERVICE, ALSO NEW FEES, AS WE GO THROUGH THE BUDGET PROCESS WE WILL HAVE MORE DETAILS ON THOSE. THE IMPACT IS APPROXIMATELY \$1.1 MILLION ANNUALLY. SUMMARIZING ALL OF THOSE REVENUES IS THIS NEXT SLIDE. THESE ARE TOTAL REVENUES BROKEN DOWN INTO THE MAJOR COMPONENTS WE JUST DISCUSSED. PROPERTY TAX 162.4 MILLION. SALES TAX 126 MILLION, UTILITY TRANSFERS, 94 MILLION, ALL OTHER REVENUES APPROXIMATELY 94 MILLION IN FISCAL YEAR '05 '05 FOR TOTAL REVENUES OF 471 MILLION. SALES TAX 120 MILLION. THAT'S 5.6 MILLION GREATER THAN WE HAD ORIGINALLY PROJECTED LAST YEAR. MOVING ON TO THE EXPENDITURE ASSUMPTIONS IN THE FORECAST. SOME OF THE BASIC ASSUMPTIONS THAT WE MADE ARE SOME -- ARE STARTING OFF WITH OUR PUBLIC SAFETY. MAINTAINING, FORECAST MAINTAINS 2.0 OFFICERS PER THOUSAND POPULATION, ALSO INCLUDES FUNDING FOR THE PUBLIC SAFETY PREMIUM AND OTHER -- 2% PUBLIC SAFETY PREMIUM AND OTHER PAY INCREASES SUCH AS STEP AND LONGEVITY, WHICH IS DIRECTLY RELATED TO PUBLIC SAFETY. WE ARE MAINTAINING THE EXISTING FUNDING LEVELS FOR PUBLIC HEALTH SERVICES AND SOCIAL SERVICES. MAINTAINING EXISTING SERVICE LEVELS AND THAT'S AN IMPORTANT BASIC ASSUMPTION. AS THE MANAGER NOTED IN HER INTRODUCTION, THAT MEANS THE LIBRARIES WILL CONTINUE TO BE CLOSED TWO DAYS A WEEK. PARKS AND RECREATION DEPARTMENTS, AS YOU WILL RECALL LAST YEAR, WE REDUCED SUMMER PLAYGROUND PROGRAMS AT APPROXIMATELY 25%, OTHER PARKS PROGRAMS. THEY WILL REMAIN AT THOSE REDUCED RATES THAT WE IMPLEMENTED IN 2004. WE DO HAVE SOME FACILITIES COMING ONLINE IN THE NEXT SEVERAL MONTHS, OVER THIS FORECAST PERIOD. WE ARE ASSUMING THAT THOSE ARE FUNDED. WE ARE MAINTAINING THESE REVISED OPENING SCHEDULES THAT WE IMPLEMENTED LAST YEAR. IN ADDITION THE -- THE FORECAST ALSO INCLUDES FUNDING FOR PAY FOR PERFORMANCE FOR ALL EMPLOYEES. THIS IS A LITTLE DIFFERENT THAN WE HAVE TALKED ABOUT IN THE PAST. IN THE PAST WE TALKED ABOUT PAY FOR PERFORMANCE BEING A COMPONENT OF THE NON-UNIFORM EMPLOYEES. THE FORECAST INCLUDES NOT ONLY THE 2% PUBLIC SAFETY PREMIUM, BUT ALSO INCLUDES THE FUNDING FOR PAY FOR PERFORMANCE FOR ALL

EMPLOYEES AT THE RATE OF 3.5% IN FISCAL YEAR '05 AND 3% IN EACH OF THE LAST TWO YEARS. THE FINAL BASIC ASSUMPTION IN OUR EXPENDITURES ARE ASSUMING THAT HEALTH INSURANCE, HEALTH BENEFITS WILL INCREASE APPROXIMATELY 15% A YEAR, AND UNFORTUNATELY THAT'S JUST THE NATIONWIDE TREND. THE INDUSTRY CONTINUES TO INCREASE COSTS. WHEN WE LOOK AT OUR MAJOR COST DRIVERS, THIS IS IMPORTANT AS WE -- AS LAST YEAR WE FOCUSED ON OUR MAJOR COST DRIVERS AS IT'S IMPORTANT TO KNOW, FOR ALL OF US TO KNOW WHAT'S REALLY DRIVING THE BUDGET. AND IT'S BASICALLY CAN BE NARROWED DOWN TO FOUR MAIN AREAS. IN 2005, PUBLIC SAFETY ACCOUNTS FOR \$18 MILLION OF TOTAL COST INCREASES. OUR HEALTH INSURANCE BENEFITS IS \$4 MILLION. OUR PUBLIC -- OUR PAY FOR PERFORMANCE FOR THE NON-UNIFORM EMPLOYEES IS APPROXIMATELY \$2.2 MILLION. AND INCREASED OPERATION AND MAINTENANCE COSTS FOR THE FACILITIES COMING ONLINE DURING 2005 ARE \$850,000. TOTAL -- THE TOTAL FOR ALL OF THE MAJOR COST DRIVERS IS ABOUT \$25.5 MILLION AND WE HAVE SOME OTHER -- SOME OTHER, YOU KNOW, WORKERS' COMPENSATION LIABILITY AND SOME OF THE OTHER THINGS THAT CLOSE IT OUT, JUST UNDER \$3 MILLION. THE 2005 FORECAST ASSUMES THAT A \$28 MILLION INCREASE OVER THE CURRENT AMENDED BUDGET. IN ADDITION TO THE ASSUMPTIONS, THE MAJOR COST DRIVERS, THE MANAGER ALSO TALKED TO YOU ABOUT THE UTILIZATION OF SOME OF OUR ONE-TIME REVENUES, OUR FUND BALANCE FOR SOME OF THE ONE-TIME CRITICAL COSTS. THOSE ARE ALSO INCLUDED IN THE FORECAST. \$4.8 MILLION FOR VEHICLE REPLACEMENTS. AND IF YOU RECALL, FOR THE LAST TWO YEARS, WE HAD -- WE HAVE BASICALLY LIMITED THE VEHICLE REPLACEMENTS TO ONLY PUBLIC SAFETY OUT OF THE GENERAL FUND. I KNOW THAT YOU HAVE SEEN RCA'S FOR VEHICLE PURPOSES, MOST OF THOSE HAVE BEEN EITHER PUBLIC SAFETY OR IN OUR ENTERPRISE DEPARTMENTS. THOSE HAVE ALSO BEEN PARED DOWN, YOU SEE NOT ONLY THE PUBLIC SAFETY, BUT ALSO TO ADDRESS SOME OF THE DEFERRED REPLACEMENTS THAT WE HAVE DONE FOR SEVERAL YEARS NOW. IN ADDITION TO THAT, WE ARE -- WE ARE INCLUDING IN THE FORECAST \$1.5 MILLION FOR TECHNOLOGY UPGRADES AND REPLACEMENTS. ANOTHER AREA THAT WE HAVE NOT

ADDRESSED OVER THE LAST SEVERAL YEARS IN -- THIS
HERE WILL HOPEFULLY ADDRESS ALL DEPARTMENTS IN THE
GENERAL FUND AND SUPPORT SERVICES DEPARTMENTS.
OTHERS -- SOME OF THE OTHER CRITICAL COSTS, ONE-TIME
COSTS THAT ARE INCLUDED ARE SAFETY EQUIPMENT FOR
E.M.S., FIREFIGHTER SAFETY EQUIPMENT SUCH AS AIR
MASKS, \$300,000 FOR THOSE. AND IN THE LIBRARY AND
HEALTH DEPARTMENTS, JUST SOME FACILITY EQUIPMENT
THAT THEY NEED FOR THEIR BASIC OPERATIONS. IN THE
PARKS DEPARTMENT, ABOUT A YEAR AGO, YOU RECEIVED A
-- A REPORT ON WHERE WE ARE FALLING BEHIND ON
MAINTENANCE. BUT WE ARE INCLUDED HERE AN ADDITIONAL
\$500,000 FOR FACILITY MAINTENANCE IN OUR PARKS AREA.
FOR A TOTAL ONE TIME CRITICAL COST IN '05 OF
APPROXIMATELY \$8 MILLION. THE NEXT SLIDE BASICALLY IS
THE SLIDE THAT THE MANAGER REVIEWED WITH YOU
DURING HER INTRODUCTION. WHAT YOU SEE IN FISCAL
YEAR 2005 IS REVENUES OF \$471 MILLION, OUR BASE
BUDGET, WHICH IS THE CURRENT YEAR AMENDED BUDGET
OF 462 MILLION. THE COST DRIVERS THAT I SHARED WITH
YOU, \$28 MILLION FOR A TOTAL ESTIMATED EXPENDITURE
OF \$490.1 MILLION. COMPARING OUR REVENUES TO OUR
EXPENDITURES, THERE'S A SHORTFALL OF \$19.4 MILLION.
AGAIN, LAST YEAR WE HAD ESTIMATED THAT TO BE
APPROXIMATELY \$29 MILLION. IF WE CONTINUE WITH THE
PROCESS OF REMAINING AT STRUCTURAL BALANCE, THAT
WOULD RESULT IN APPROXIMATELY A 5% -- APPROXIMATELY
A 5% REDUCTION TO DEPARTMENTAL APPROPRIATIONS TO
CLOSE THE GAP. WE WOULD END THE YEAR AT \$38 MILLION,
WHICH IS OUR BEGINNING BALANCE, AND THE FORECAST
ASSUMES THAT WE WOULD BE ABLE TO PROCEED WITH THE
ONE-TIME CRITICAL COSTS AND END THE YEAR ONCE THAT
PURCHASE IS COMPLETED AT \$30 MILLION. EACH OF THE
FORECAST YEARS FLOWS THAT WAY. THAT'S A QUICK
REVIEW OF THE GENERAL FUND. WHAT I WOULD LIKE TO DO
IS JUST COMPLETE THROUGH THE ENTERPRISE FUND VERY
QUICKLY AND JUST GO OVER SOME OF THE KEY ISSUES IN
THOSE AREAS. IN THE CONVENTION CENTER, BASICALLY
THREE MAIN POINTS. FIRST OF ALL, BED TAX IS ABOUT 50%
OF THE TOTAL REVENUES FOR CONVENTION CENTER.
THAT'S IMPORTANT WHEN YOU LOOK AT THE NEXT BULLET.
LOT ECONOMY IS SLIGHTLY RECOVERING, THE TRAVEL

INDUSTRY IS STILL LAGGING BEHIND THAT ECONOMIC RECOVERY. SO BED TAX CONTINUES TO GROW AT A VERY SLOW PACE. IN THE FORECAST PERIOD WE ARE ASSUMING BED TAX REVENUES WILL INCREASE BETWEEN 3 AND 5 -- BETWEEN 3 AND 5%. HOWEVER, THE RECENT EXPANSION OF THE CONVENTION CENTER, THE HILTON HOTEL DOES PRESENT WITH US FOR ADDITIONAL OPPORTUNITIES FOR INCREASED BUSINESS AND HOPEFULLY WILL BE A POSITIVE IMPACT. THE AIRPORT SIMPLY PUT THE TRAVEL INDUSTRY HAS BEEN VERY DIFFICULT FOR THE -- FOR THE AIRPORT DEPARTMENT. AND THEY ARE ASSUMING THE -- THE PASSENGER ACTIVITY TO REMAIN ABOUT 3%. IN OUR WATER UTILITY, WE CONTINUE TO SEE AN INCREASE IN DEMAND. OUR CUSTOMER BASE CONTINUES TO GROW. OUR VOLUME, TREATMENT VOLUME GROWS. IF YOU HAVE BEEN OUT TO OUR WASTEWATER PLANTS, OUR WATER TREATMENT PLANTS, THAT'S A VERY EXPENSIVE BUSINESS. THE INCREASE THE TREATMENT VOLUME, SERVICE EXPANSIONS, ALSO FACED WITH THE CONTINUED AGING INFRASTRUCTURE. CONTINUED COST FOR REGULATORY COMPLIANCE. HOWEVER THE FORECAST ALSO CONTINUES THE COMMITMENT FOR COST REDUCTIONS AND COST CONTAINMENT THROUGH THE VERY COMPREHENSIVE MANAGEMENT INITIATIVE LAST YEAR. YOU WILL RECALL LAST YEAR WE ELIMINATED ALMOST 40 POSITIONS IN THE WATER DEPARTMENT. THE FORECAST DOES NOT ADD ANY POSITIONS BACK OVER THE NEXT THREE YEARS. THE FORECAST ALSO INCLUDES SUPPORT FOR \$554 MILLION TO MEET THESE INFRASTRUCTURE DEMANDS. MORE DETAIL OVER THE WATER UTILITY CAPITAL SPENDING. YOU CAN SEE THE COMPONENTS, 141 MILLION DOLLAR FOR REGULATORY COMPLIANCE. 81.6 MILLION FOR ECONOMIC DEVELOPMENT. AND WHAT I WOULD LIKE TO SAY ABOUT ECONOMIC DEVELOPMENT, WHEN WE SAY THAT WE'RE TALKING ABOUT SERVICE EXTENSIONS. WHEN WE HAVE NEW ROADS, FOR INSTANCE, S.H. 45 AND 130 WHERE WE DON'T CURRENTLY HAVE INFRASTRUCTURE. OUR ROADS EXPANSIONS, THAT'S WHAT -- THOSE ARE THE ITEMS THAT ARE COVERED UNDER - - UNDER ECONOMIC DEVELOPMENT EXTENSIONS OR -- OR JUST INCREASED CAPACITY. 100 MILLION, \$101.4 MILLION FOR ADDRESSING SOME OF OUR AGING INFRASTRUCTURE NEEDS. THE THE BIGGEST COMPONENT AGAIN DEALING WITH

OUR TREATMENT AND DISTRIBUTION, \$224 MILLION TO DEAL WITH THE SYSTEM GROWTH ISSUES. TO DO THAT, WE ARE RECOMMENDING A COMBINED RATE INCREASE OF 12.1% IN YEAR ONE OF THE FORECAST. THAT'S MADE UP A 10.5 RATE% INCREASE IN WATER, 15.4% INCREASE IN THE WASTEWATER RATES. IN OUR OTHER ENTERPRISE FUND, SOME OF THE MAJOR ISSUES, COMMUNITY CARE CONTINUES TO BE A MAJOR CHALLENGE FOR THIS CITY. OUR CLINIC SYSTEM, TWO YEARS AGO, APPROXIMATELY TWO YEARS AGO, BEGAN TO OPERATE AT FULL CAPACITY. WE CONTINUE TO OPERATE AT FULL CAPACITY. THAT'S IN SPITE OF THE FACT THAT THE NEEDS AND DEMANDS FOR THE SERVICE CONTINUE TO GROW. BUT WE ARE NOT ABLE TO CONTINUE AND SUSTAIN THAT. ESPECIALLY WITH THE FINAL NOTE THERE. WE ARE OPERATING UNDER LIMITED RESOURCES, THOSE ARE THE MAJOR ISSUE THAT'S COMMUNITY CARE DEPARTMENT CONTINUES TO FACE. IN THE SOLID WASTE DEPARTMENT. IN 2005 IT WILL REPRESENT THE 8th CONSECUTIVE YEAR FOR NO RATE INCREASE FOR THE PAY AS YOU THROW PROGRAM. THE INCREASES, SOLID WASTE LAST YEAR YOU WILL RECALL HAD A SERVICE DELIVERY MODEL CHANGE THAT RESULTED IN ABOUT A MILLION COST AVOIDANCE. WE CONTINUE TO LOOK AT THOSE THINGS. THE INCREASES THAT WE SEE IN SOLID WASTES ARE DUE DIRECTLY TO CUSTOMER GROWTH AND SERVICE AREA EXPANSIONS. THE FINAL TWO AREAS IN THE ENTERPRISE FUNDS ARE TRANSPORTATION FUND, NO RATE INCREASES PROPOSED TO THE TRANSPORTATION FEE. HOWEVER, WE CONTINUE TO SEE AN INCREASED NEED FOR MAINTENANCE NEEDS IN OUR STREET INVENTORY. WE ARE ESTIMATING THAT WE WILL PROVIDE MAINTENANCE FOR APPROXIMATELY 8% OF OUR STORY WHILE OUR GOAL DURING THE GOOD YEARS WAS 10%. SO WE STILL ARE FALLING SHORT ON OUR GOAL OF 10%. IN OUR DRAINAGE UTILITY, WE CONTINUE TO ADDRESS THE CRITICAL SYSTEM AND INFRASTRUCTURE PROJECTS FROM OUR MASTER PLAN. THE DRAIBLG UTILITY FORECAST ALSO INCLUDES THE LAST TWO YEARS OF THE FIVE-YEAR PLAN APPROVED BY THE CITY COUNCIL. FOR RATE INCREASES. IN FISCAL YEAR 2005 THAT IS A 6.98% FOR RESIDENTIAL AND 22.85% FOR THE COMMERCIAL CUSTOMERS. THE LAST SLIDE, MAYOR AND COUNCIL, WHAT I WOULD LIKE TO DO IS GO OVER SOME OF

THE KEY DATES THAT ARE COMING UP. ON MAY 27th, THE CITY MANAGER WILL PRESENT YOU WITH THE DRAFT POLICY BUDGET. BASICALLY IT'S -- IT WILL BE THE NEXT STEP AFTER TODAY. IT WILL BUILD ON SOME OF THE DISCUSSIONS AND SOME OF THE PLAN THAT'S WE GO FORWARD WITH. AFTER THAT, ON JULY 29th 29th, THE CITY MANAGER IS SCHEDULED TO SUBMIT THE PROPOSED BUDGET. IN THE MONTH OF AUGUST, WE WILL HAVE A SERIES OF BUDGET PRESENTATIONS AND PUBLIC HEARINGS. IN SEPTEMBER WE WILL COMPLETE THE PROCESS WITH THE BUDGET READINGS. THAT COMPLETES OUR PRESENTATION.

Mayor Wynn: THANK YOU MR. GARZA, QUESTIONS OF STAFF, COUNCIL. I HAVE ONE PERHAPS BEFORE WE MOVE ON. RUDY, ON OUR AUSTIN TAX RATE ADJUSTED FOR HOSPITAL DISTRICT CHART, WHEREBY YOU SHOW THE CITY OF AUSTIN'S PROPERTY TAX RATE COMPARED TO ANOTHER FOUR MAJOR TEXAS CITIES, YOU APPROPRIATELY PULLED OUT PRIMARILY WHAT WE SEND ON PRIMARY HEALTH CARE AND THAT OTHER CITIES, OF COURSE, HAVE A HOSPITAL DISTRICT THAT PAYS FOR THAT EXPENSES. MY QUESTION IS SHOULD THERE BE OTHER ADJUSTMENTS THAT IS FRANKLY IN ANOTHER DIRECTION. DO WE KNOW OF ANY EXPENSES AT OTHER -- THAT OTHER CITIES FUND OUT OF THEIR PROPERTY TAX RATE THAT FOR WHATEVER REASON WE SEEMINGLY HAVE A DIFFERENT REVENUE SOURCE FOR? THAT IS IF WE ARE GOING TO ADJUST THIS DOWNWARD BECAUSE WE FUND PRIME PRIMARY CARE OUT OF PROPERTY TAX AS A PART, IS THERE ANY OTHER ADJUSTMENT IN THE OTHER DIRECTION THAT SHOULD BE -- TO MAKE THIS APPLES AND APPLES TO TRULY COMPARE PARTICULARLY AS WE TALK ABOUT, YOU KNOW, PROPERTY TAXES IN THE STATE.

Futrell: I'LL TAKE A FIRST STAB AT IT, RUDY YOU KIND OF CORRECT. THERE ARE LOTS OF APPLES TO ORANGES KINDS OF THINGS THAT HAPPEN DIFFERENTLY IN CITIES. FOR EXAMPLE, THERE IS ONE OF THESE MAJOR CITY THAT'S HAS A 14 PLUS PERCENT UTILITY TRANSFER COMPARED TO OUR 9% UTILITY TRANSFER. SO A SIGNIFICANT DIFFERENCE IN WHAT THEY ARE USING TO OFFSET OTHER GENERAL FUND REVENUE SOURCES. THERE IS ONE OF THESE OTHER MAJOR TEXAS CITIES THAT HAS A CRIME DISTRICT. SO THEY HAVE

ANOTHER FUNDING SOURCE FOR PUBLIC SAFETY EXPENDITURES; WHEREAS ALL OF OURS COME FROM OUR PRIMARY REVENUE SOURCES. WE ON THE OTHER HAND HAVE A TRANSPORTATION FEE. THESE OTHER CITIES DON'T. BUT THE ONLY THING THAT I'M AWARE OF THAT CROSSES ALL OF THE CITIES IS A HOSPITAL DISTRICT THAT IS UNIQUELY NOT IN AUSTIN AND IS IN ALL OF THESE OTHER CITIES. CAN YOU THINK OF ANYTHING THAT FITS THAT BILL, RUDY?

I THINK THAT COVERS IT. THAT DOES COVER IT. IT'S SOMETHING THAT WE CAN CONTINUE TO LOOK INTO, THOUGH.

Mayor Wynn: THANK YOU. I KNOW HOW SENSITIVE EVERYBODY IS TO PROPERTY TAXES. OF COURSE BECAUSE OF OUR ASSESSED VALUATION, OUR -- AS WE APPROPRIATELY SHOW, OUR CITIZENS ON THE AVERAGE HOME IN OUR TOWN PAY SO MUCH MORE IN PROPERTY TAXES THAT I CHARACTERIZE OURSELF FRANKLY ALMOST BEING GUILTY BY ASSOCIATION RECOGNIZE THANK THE CITY OF AUSTIN IS A SMALL PORTION OF ONE'S PROPERTY TAX BILL, BUT I THINK WHEN WE HAVE THESE ANALYSES AND TRY TO SHOW APPLES AND APPLES, IT'S -- YOU KNOW IT'S COMPLICATED AND PERHAPS WE NEED TO DO AS MUCH ADJUSTMENT AS WE CAN ACROSS THE BOARD. THANK YOU. FURTHER COMMENTS OR QUESTIONS OF STAFF? COUNCILMEMBER MCCRACKEN?

McCracken: YEAH. I GUESS TO FURTHER BREAK THAT DOWN, I NOTICED THE COMPARISON IS WITH THE CITY OF AUSTIN AND AISD, ALTHOUGH SIGNIFICANT PORTIONS OF THE CITY ARE EITHER IN ROUND ROCK I.S.D., PFLUGERVILLE I.S.D., WESTLAKE I.S.D., DEL VALLE I.S.D., SOME OF THESE AREAS OF MUCH HIGHER INCOME, OTHERS ARE NOT. IT MIGHT BE VERY DIFFICULT, BUT HAVE YOU BROKEN IT DOWN BY SCHOOL DISTRICT? I'M GUESSING WESTLAKE I.S.D., CITY OF AUSTIN RESIDENTS MAY HAVE HIGHER PROPERTY VALUES WHICH MAY FOR INSTANCE SKEW SOME OF THESE NUMBERS UPWARDS.

WE HAVE NOT DONE THAT. WE CAN DEFINITELY DO THAT,

THAT'S EASY TO DO.

ANY FURTHER QUESTIONS? THANK YOU FOR THE EARLY FORECAST. IT WILL BE A FUN SPRING/SUMMER. WE'RE PROUD OF YOU.

COUNCIL, WE HAVE ONE DISCUSSION THAT WE CAN TAKE UP BEFORE THE 3:00 TIME CERTAINS OF THE AHFC AND OUR ECONOMIC GROWTH AND DEVELOPMENT SERVICES, THAT'S AN ITEM THAT I PULLED ITEM NO. 24 RELATED TO A FURNITURE CONTRACT. I'LL -- I'LL WELCOME MS. SCHUBERT TO GIVE A BRIEF DESCRIPTION, ESSENTIALLY THE CONCERNS ARE HOW -- HOW MUCH HAVE WE SCRUBBED, HOW HAVE WE ANALYZED THIS EXPENDITURE, HOW DO WE HAVE ASSURANCES THAT IT ESSENTIALLY FALLS IN LINE WITH -- WITH THE MARKET, OTHER RECENT BUILDINGS, ET CETERA.

THANK YOU, MAYOR, GOOD AFTERNOON, MAYOR AND COUNCIL, I'M VICKI SCHUBERT THE ACTING DIRECTOR OF FINANCIAL SERVICES. WE WILL BE ANSWERING SOME OF THE MAYOR'S QUESTION, BUT I WANT TO HIT ON FEW OTHER KEY POINTS RELATED TO THE CITY HALL FURNITURE. WHAT WE ARE LOOKING FOR IS FURNITURE FOR THE APPROXIMATELY 300 EMPLOYEES THAT WILL BE MOVING INTO THAT BUILDING. IN ADDITION WE ARE TALKING ABOUT CONFERENCE TABLES AND CONFERENCE SEATING, PUBLIC RECEPTION AREAS, OTHER PUBLIC AREAS, FURNITURE FOR ALL OF THOSE THINGS, ONE THING THAT I WOULD LIKE TO POINT OUT IS THAT THIS BUILDING HAS A NUMBER OF FACILITIES OR FUNCTION THAT'S WE DON'T CURRENTLY HAVE. FOR EXAMPLE, THERE IS A BOARD AND COMMISSION ROOM. RIGHT NOW WE DON'T HAVE THAT. THERE'S A MEDIA ROOM, AN EXECUTIVE SESSION ROOM. OBVIOUSLY RIGHT NOW THE EXECUTIVE SESSIONS ARE OCCURRING OVER HERE. IN ARE A NUMBER OF ADDITIONAL CONFERENCE ROOMS. SO THAT HELPS DRIVE THE COST OF THE FURNITURE TO SOME EXTENT. THE MODULAR FURNITURE WE ARE PROPOSING ENABLES US TO MORE EFFICIENTLY UTILIZE THE SPACE, IT PROVIDES FLEXIBILITY IN REUSE AND RECONFIGURATION IF STAFFING OR NEEDS CHANGE IN THE FUTURE. AND IT PROVIDES A CONSISTENCY OF APPEARANCE THROUGHOUT THE BUILDING AND WITH THE

ARCHITECTURE OF THE BUILDING ITSELF AND WE WILL HAVE SOMEBODY SPEAK TO THAT IN JUST A FEW MINUTES. A VERY IMPORTANT ISSUE IS THAT ALL OF THE COMPONENTS THAT WE ARE PURCHASING MEET THE LEAD STANDARDS AND WILL HELP THE CITY IN OBTAINING OUR LEADS CERTIFICATION. NOT ONLY IS THE FURNITURE MANUFACTURED -- SUSTAINABLE ITSELF, IT IS MANUFACTURER UNDERSTAND A STAINABLE WAY. WE EXPECT TO GET POINTS FOR RECYCLED CONTENT, FOR REDUCTION OF VOC'S AND POSSIBLY A POINT IN THE INNOVATION CATEGORY RELATED TO THIS. IT'S VERY DURABLE FURNITURE AND WILL BE USED FOR -- WE PLAN FOR A LONG TIME INTO THE FUTURE. BECAUSE THE MANUFACTURER IS ONE THAT PRODUCES THIS FURNITURE ON AN ONGOING BASIS, WE WILL BE ABLE TO, IF A LITTLE PIECE BREAKS OR SOMETHING, DOESN'T WORK RIGHT, WE CAN EASILY INTERCHANGE OR ADD COMPONENTS AS TIME PASSES WITHOUT HAVING THE LOOK OF BUYING IT 10 -- AT 10 DIFFERENT PLACES. TO LOOK AT BUYING IT 10 DIFFERENT PLACES. ALSO THE DESIGN FOCUSES ON WORKPLACE PRODUCTIVITY AND ERGONOMICS TO HELP THE HEALTH OF OUR EMPLOYEES. WE DID A LOT OF DUE DILIGENCE IN OUR SELECTION OF THIS FURNITURE. WE ESTABLISHED REQUIREMENTS THROUGH A NEEDS ASSESSMENT SURVEY OF OUR USERS. THE TEAM THEN DETERMINED THAT THE U.S. COMMUNITIES CONTRACT, A COOPERATIVE PURCHASING CONTRACT WITH PUBLIC ENTITIES, WAS THE LEAST EXPENSIVE METHOD OF PROCUREMENT AND IN FACT ON THIS FURNITURE WE ARE RECEIVING DISCOUNTS OFF THE LIST PRICE BETWEEN 45 AND 67%. SO WE ARE GETTING REALLY GOOD DISCOUNTS. A TEAM OF CITY PROJECT MANAGERS, AS WELL AS REPRESENTATIVES OF OUR ARCHITECTURAL CONSULTANTS, COT TEAR A REED AND ANTWAN PREDOCK ARCHITECTS AND LOCKHINE ESTABLISHED CRITERIA FOR SELECTION. THEY RANKED THE FOUR MAJOR FURNITURE VENDORS. AND HAVE ENDED UP WITH WHAT IS BEFORE YOU TODAY BASED ON THE CRITERIA AND PRICE. JUST TO GIVE YOU A LITTLE BIT OF IDEA OF OVERALL COST COMPARISONS, IN MARCH 2001, WE SET AN INITIAL BUDGET FOR THIS AT \$3.2 MILLION. LAST SPRING WE REVISED THAT DOWNWARD TO \$2.5 MILLION BASED ON OUR REVISED DESIGNS. AND JUST RECENTLY WE GOT THE BID

AROUND 1.9 MILLION DOLLAR, WHICH IS A 40% REDUCTION FROM OUR ORIGINAL BUDGET. WE WILL TALK MORE ABOUT COSTS, BUT FIRST I WOULD LIKE FOR PAUL [INDISCERNIBLE] WITH AN TON PREDOCK ARCHITECTS TO SAY A LITTLE BIT ABOUT THE FURNITURE AND ARCHITECTURE OF THE BUILDING.

Mayor Wynn: THANK YOU, WELCOME, SIR.

HI. I JUST WANTED TO QUICKLY EMPHASIZE THAT THE -- OUR BUILDINGS, WE TYPICALLY IN THIS BUILDING ESPECIALLY, WE TEND TO THINK OF THE INTERIORS AND THE EXTERIORS OF THE BUILDING AS ONE THING AND WE BRING THE MATERIALS AND THE FORMAL FEELING OF THE BUILDING INSIDE AND THAT BECOMES THE INTERIOR AND THAT BLEEDS OUT TO THE OUTSIDE AND THAT BECOMES THE EXTERIOR. FURNITURE WAS DEVELOPED OR THE FURNISHING DECISIONS WERE DEVELOPED AS PART OF THIS SYMBIOTIC PROCESS, THINKING ABOUT IT ALL AT ONE PIECE, WITH SUSTAINABILITY, ECONOMY AND DURABILITY OF MIND, WE MADE THE PARTICULAR FURNISHING SELECTIONS THAT ARE BEFORE YOU. THE RESULT IS THAT -- IS A DYNAMIC SET OF FURNITURE, BUT IT HAS A NEUTRAL PALLET AS THE BUILDING DOES, PALATE AS THE BUILDING DOES. AS YOU LIVE IN THE BUILDING, ADD PIECES TO IT AND PERSONAL PATINA IS ADDED TO THE BUILDING, IT WILL BECOME ALIVE AND THE FURNITURE WON'T SEEM OUT OF PLACE WITH THE KIND OF THINGS THAT WILL BE BROUGHT TO IT WITH LIFE AND -- AND WE -- WE THINK THAT THE FURNITURE PACKAGE AS SHOWN IS REALLY IN THE RIGHT DIRECTION.

Mayor THEN I WOULD LIKE DEBBIE FULLER WITH THE LOCKHIDE GROUP TO TALK A LITTLE BIT ABOUT THE PRICE COMPARISONS THAT YOU WERE LOOKING FOR, MAYOR, SHE WORKS WITH LOTS OF FOLKS ON THIS STUFF.

WELCOME.

I WANTED TO COME TO YOU JUST SORT OF GIVE YOU A BACKGROUND OF WHERE WE, HOW WE GOT TO THIS POINT. I WILL MAKE IT REAL BRIEF. IN THE CITY OF AUSTIN -- THE CITY OF AUSTIN ELECTED TO GO WITH WHAT'S CALLED THE U.S. COMMUNITIES PURCHASING PROGRAM, WHICH -- EVEN

THOUGH IT'S NOT A GOVERNMENT PROGRAM, IT'S A PROGRAM DEVELOPED FOR PRIVATE, INSTITUTIONAL AND CITY, STATE GOVERNMENTS THAT ALLOWS US TO HAVE THE LOWEST PRICE AVAILABLE WITHOUT GOING THROUGH A REALLY EXTENSIVE BID PROCESS, WHICH CAN BE VERY COSTLY TO PURCHASE YOUR FURNITURE. CURRENTLY, IT IS STILL ONE OF THE BEST PRICED PROGRAMS OUT THERE. IT ONLY INVOLVES FOUR MAJOR MANUFACTURERS, BUT ENCOMPASSES THEIR ENTIRE PRODUCT LINE. THAT'S WHERE WE ARE GETTING SOME REALLY DEEP DISCOUNTS. BECAUSE OF THE TIERING WE CAN ACTUALLY GO BEYOND WHAT'S ACTUALLY PRINT UNDERSTAND A MANUFACTURER ELECTS TO, WHICH IS ONE ONE OF OUR MAJOR MANUFACTURERS HAS DONE IN THIS CASE. THE ITEMS THAT WE TOOK INTO CONSIDERATION HAD TO DO WITH -- WITH NOT ONLY SUSTAINABILITY ISSUES, BUT DURABILITY AND WARRANTIES. THE MAJORITY OF ALL OF THE PRODUCTS GOING INTO THE BUILDING HAVE A LIFE-TIME WARRANTY, YOUR SEATINGS AND DESKS WILL HAVE LIFETIME. THOSE ARE THE ITEMS THAT DO HAVE THE MOST USE, DESKS AND TASK SEATING. ALL FABRICS ARE 100% POLE ESTHER OR NATURAL FIBER WITH MINIMUM [INDISCERNIBLE] BASICALLY YOUR FIBER IS NOT GOING TO WEAR OUT. THE FURNITURE MIGHT WEAR OUT BEFORE THE FABRIC, WE ARE REALLY TRYING TO MAKE THIS A BUILDING THAT LASTS YOU FOR 20 YEARS. IN COMPARISON, IN TERMS OF A TYPICAL HARD WALL OFFICE, WHICH IS THE MAJORITY OF THE OWE OWL WE WILL DO A COMPARISON. WE'LL DO A COMPARISON. I DON'T MEAN TRADITIONAL FURNITURE, A MORE TRADITIONAL SOLUTION WOULD BE A WOOD CASED GOOD PRODUCT LINE, DESK, DECREE DENZA, SIDE RETURN, MAYBE A HUTCH FOR STORAGE, MAYBE A BOOKCASE, THAT WOULD NORMALLY RUN YOUR COST TO THE CITY BETWEEN 6 AND 8,000 FOR A WOOD CASED GOOD. THAT IS NOT A HIGH PRODUCT LINE, THAT IS A MEDIUM RANGE GOOD CASE WOOD PRODUCT. WHEN WE FIRST INITIALLY RAN THE BUDGET, WE REALIZED THAT WASN'T A GOOD SOLUTION FOR THE CITY IN TERMS OF FLEXIBILITY AND LONG-TERM RECONFIGURATION IF THAT WAS NECESSARY. SO WE OPTED TO GO WITH A LITTLE DIFFERENT SITUATION, WHICH INVOLVED MORE OF A FURNITURE SYSTEM WHICH HAS MODULAR COMPONENTS THAT WERE BUILT TO WORK WITHIN EACH PRIVATE OFFICE.

TO THE NORMAL PRIVATE OR CORPORATE ENTITY THAT WOULD NORMALLY RUN AROUND \$4,300 PER OFFICE. THROUGH EXTENSIVE VALUE ENGINEERING, THROUGH WORKING WITH THE MANUFACTURER AND TRYING TO REDUCE THESE COSTS WITH THEM AND GOING BACK TO THEIR -- TO THE FACTORY AND WITH THE U.S. COMMUNITIES PROGRAM, WE WERE ABLE TO GET EACH OFFICE TO THE PRICE OF \$2,700. WHICH IS BASICALLY BETWEEN A 37 AND 40% SAVINGS OVER WHAT ANY OTHER CUSTOMER WOULD BUY. WHICH IS ACTUALLY PRETTY SUBSTANTIAL. WHEN YOU CALCULATE THAT BASED ON SQUARE FOOTAGES, I WANT TO SORT OF COMPARE THAT, ALSO. YOUR NORMAL CORPORATE CLIENT PRETTY MUCH ANYWHERE FROM A MOTOROLA, A DELL, ANYBODY LIKE THAT, YOU CAN'T REALLY CONSIDER COST CENTERS BECAUSE THEIR FUNCTION IS DIFFERENT, BUT A NORMAL CORPORATE CLIENT THAT HAS THE SAME PERCENTAGE OF HARD WALL OFFICES YOU WOULD NORMALLY BUDGET BETWEEN 20 AND \$30 A SQUARE FOOT FOR FURNITURE. THE CITY HALL IS GETTING THE FURNITURE FOR \$15.44 A SQUARE FOOT. SO WE HAVE DONE -- THE TEAM HAS REALLY WORKED VERY HARD IN TRYING TO FIND THE BEST POSSIBLE DEALS THAT DID NOT SACRIFICE WARRANTY, DURABILITY OR ACTUALLY THE AESTHETIC APPEARANCE EITHER, SO --

Mayor Wynn: THANK YOU VERY MUCH, IT SOUNDS QUITE ENCOURAGING. SO MS. SCHUBERT -- I'M SORRY.

ONE FINAL UNSOLICITED PIECE OF INPUT THAT I GOT. ONE OF THE OWNERS FROM SHELTON KELLER WHO IS -- WHO WE ARE BUYING THE BULK OF THE MODULAR FURNITURE ACTUALLY CAME UP TO ME A DAY OR SO AGO AND SAID, IN ALL OF HER 18 YEARS OF EXPERIENCE IN SELLING FURNITURE, SHE HAS NEVER WORKED WITH AN ENTITY THAT REDESIGN AND REENGINEERED SO MANY TIMES TO GET THE BEST VALUE ENGINEERING OUT OF THE WORK AND I THANK OUR TEAM FOR THAT, I THINK THEY DID A VERY GOOD JOB.

Mayor Wynn: DID YOU TELL HER THAT SHE WOULD LOVE OUR ZONING PROCESS THEN? [LAUGHTER]

OTHER QUESTIONS?

Mayor Wynn: OBVIOUSLY THIS REALLY GIVES ME A LOT OF COMFORT BECAUSE WHAT I WAS TRYING TO DO IS TO -- LOOKING AT THIS EXPENDITURE, ONE, RECOGNIZING THAT I GUESS THERE'S GOING TO BE APPROXIMATELY 300 F.T.E.S IN THAT BUILDING. THE CURRENT CITY HALL NOW HAS JUST A FRACTION OF THAT, I GUESS, MAYBE 100 OR SOMETHING. SIGNIFICANTLY MORE PEOPLE IN THIS CITY HALL THAN OUR CURRENT BUILDING. AND SO AS I TRIED EXTRACT WHAT LIKELY WOULD BE THE VERY PUBLIC FURNITURE REQUIRED, THAT IS CITY COUNCIL CHAMBERS, BOARD AND COMMISSION ROOMS, ET CETERA, TRYING TO LOOK AT THIS ON SORT OF A PER F.T.E. EXPENDITURE, SO WHAT I HAVE HEARD HERE IS THAT -- SOUNDS LIKE THAT THIS IS VERY MUCH IN LINE, IF NOT ON THE FRIEWG EQUAL SIDE -- FRUGAL SIDE OF HOW ONE WOULD LOOK AT THIS EITHER ON A PER SQUARE FOOT BASIS OR PER F.T.E. BASIS.

I BELIEVE THE TEAM REALLY TRIED TO BALANCE THE VALUE AND THE FEW FRUGALITY WITH THE DURABILITY AND SUSTAINABILITY AND CAME UP WITH A GOOD SOLUTION. FURTHER QUESTIONS OF STAFF, COUNCIL OR COMMENTS? I WOULD LIKE TO SAY, MS. SCHUBERT, I GUESS WE WILL HAVE SOMEWHAT FLEXIBILITY AS THIS COMES CLOSER TO THE TIME, BUT AS AN EXAMPLE, I THINK THERE MIGHT BE A COUPLE OF STATIONS THAT PERHAPS MIGHT NOT BE NEEDED IMMEDIATELY IN THE MAYOR'S OFFICE, SO PERHAPS WE COULD SAVE A LITTLE BIT OF MONEY ON THE INITIAL PURCHASE BUT PLAN FOR EXPANSION OR SOMETHING LATER.

YES, SIR. I HAVE BEEN AND WILL CONTINUE OVER THE NEXT COUPLE OF DAYS TO WORK WITH INDIVIDUAL OFFICES TO MAKE SURE THAT I HAVE AN UNDERSTANDING OF WHAT THINGS THAT YOU DO OR DON'T WANT TO ORDER AS A PART OF YOUR OFFICE PACKETS.

OKAY.

Mayor Wynn: OKAY. NO QUESTIONS OR COMMENTS, I'LL ENTERTAIN A MOTION ON ITEM NO. 24. MOTION -- MOTION MADE BY COUNCILMEMBER SLUSHER TO APPROVE ITEM NO. 24. SECONDED BY COUNCILMEMBER DUNKERLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE

SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.
[ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

ITEM NUMBER ONE TODAY IS TO APPROVE THE MINUTE OF THE FEBRUARY 26, 2004 MEETING OF THE BOARD OF THE AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn: MOTION MADE BY BOARD MEMBER SLUSHER TO APPROVE THE MINUTES AS POSTED. I'LL SECOND THAT. FURTHER COMMENT? HERE HERE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

BOARD MEMBERS, ITEM NUMBER AHFC-2 IS TO APPROVE THE NEGOTIATION AND EXECUTION OF A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION PROGRAM, WHICH IS CHODO, FOR A LOAN NOT TO EXCEED \$95,200 FOR AUSTIN HABITAT FOR HUMANITY FOR THE ACQUISITION AND DEVELOPMENT OF THE AFFORDABLE SINGLE-FAMILY HOMES ON LOTS IN THE HERITAGE VILLAGE SUBDIVISION, LOCATED AT MARTIN LUTHER KING BOULEVARD, PARLIAMENT AND REGENCY DRIVES FOR LOW AND MODERATE INCOME FIRST TIME HOME BUYERS. FUNDING IS AVAILABLE IN HOME GRANT FUND FOR THE FISCAL YEAR. AND WE HAVE A REPRESENTATIVE FROM HABITAT FOR HUMANITY HERE TO ANSWER ANY QUESTIONS AS WELL.

Mayor Wynn: QUESTIONS OF STAR, COUNCIL -- BOARD MEMBERS? HEARING NONE, THEN I'LL ENTERTAIN A MOTION ON AHFC-2. MOTION MADE BY -- BOARD MEMBER DUNKERLEY, SECONDED BY BOARD MEMBER ALVAREZ TO APPROVE AHFC ITEM 2. FURTHER COMMENTS OTHER THAN JUST OUR COLLECTIVE APPLAUD AND THANKS TO HABITAT FOR HUMANITY FOR THEIR FINE WORK. ALL THOSE IN FAVOR, PLEASE AAYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU. WITH THAT I WILL NOW ADJOURN THE MEETING OF THE AUSTIN HOUSING AND FINANCE CORPORATION AND CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. AND TAKE UP OUR 3:00 O'CLOCK PRESENTATION ON OUR CULTURAL ARTS

FUNDING PROGRAM PRESENTED BY OUR ECONOMIC GROWTH AND REDEVELOPMENT SERVICES STAFF. SORRY, MR. HILGERS, YOU MISSED THE AHFC MEETING.

[INAUDIBLE - NO MIC].

MAYOR, MEMBERS OF THE COUNCIL, SUE EDWARDS, DIRECTOR OF ECONOMIC GROWTH AND REDEVELOPMENT SERVICES. I WOULD LIKE TO INTRODUCE VINCENT CICH, WHO IS A PROGRAM MANAGER FOR THE CULTURAL ARTS PROGRAM. AND HE WILL BE DOING THE PRESENTATION TODAY.

THANK YOU, GOOD AFTERNOON, MAYOR AND COUNCIL. BEFORE I GET STARTED I WOULD LIKE TO RECOGNIZE MEMBERS OF THE ARTS COMMISSION WHO ARE HERE TODAY AND ASK THEM TO STAND AND BE RECOGNIZED IF THEY WOULD, PLEASE. I THANK THEM FOR THEIR SUPPORT. THANK YOU FOR GIVING US THE OPPORTUNITY TO GIVE YOU THIS OVERVIEW TODAY. THE DEVELOPMENT OF THESE PROGRAMS BEGAN NEARLY TWO YEARS AGO AND HAVE INVOLVED HUNDREDS OF INDIVIDUALS FROM THE COMMUNITY, STAFF AND OUTSIDE CONSULTANTS. THERE WILL BE CHANGES WITH THESE PROGRAMS, AND WE KNOW THAT THESE PROGRAMS AS PROPOSED ARE NOT PERFECT AND THEREFORE WE HAVE A PLAN TO EVALUATE THEM. ALL ASPECTS OF THEM THROUGHOUT THE NEXT YEAR. AS I'VE SHARED WITH MEMBERS OF THE ARTS COMMUNITY, THIS IS NOT AN END-ALL, WRITTEN IN STONE SET OF PROGRAMS THAT ARE INFLECTION I BELIEVE. THERE'S A SYSTEM THAT WILL NEED FINE TUNING AS WE MOVE FORWARD. WE WILL CONTINUE TO WORK WITH THE ARTS COMMUNITY TO FURTHER REVIEW, ADAPT AND REFINE THESE PROGRAMS. TO GIVE YOU SOME BACKGROUND, I WOULD LIKE TO REVIEW SOME OF THE FACTORS THAT PROMPTED A CHANGE IN THE FUNDING PROGRAMS. THE CITY AUDIT FOUND THERE WAS LIMITED GUIDANCE IN THE ORDINANCE, THERE WERE INCONSISTENT AND CHANGING FUNDING PROCEDURES. THERE WERE MULTIPLE AVENUES OF APPEAL AND POOR COMMUNICATION AMONG THE STAKEHOLDER. COUNCIL DIRECTED STAFF TO HIRE PROFESSIONAL ARTS CONSULTANTS, CAB ANY AND ASSOCIATES, TO EVALUATE THE CULTURAL CONTACTS PROGRAM. THEIR REPORT

AGREED WITH THE AUDIT AND SUGGESTED ARTS NEEDED TO BE VIEWED AS A BASIC CITY SERVICE. THAT THERE WAS NO LOCAL ARTS AGENCY AND THAT THE ROLE OF AUSTIN'S ARTS INDUSTRY IN ECONOMIC DEVELOPMENT HAVE NOT BEEN EXPLORED. THEY ALSO FOUND IN THE CURRENT PROGRAMS THAT ALL SIZES OF APPLICANTS COMPETED AGAINST EACH OTHER AND THAT THE DEVELOPMENT OF THE NEW PROGRAMS WAS NEEDED TO CORRECT SOME OF THE PROGRAMS. -- SOME OF THE PROBLEMS. THE MAYOR'S TASKFORCE ALSO IDENTIFIED ARTS AND CULTURES AS A SIGNIFICANT FORCE IN OUR COMMUNITY AND MADE NINE RECOMMENDATIONS TO SUPPORT ONGOING DEVELOPMENT OF THE INDUSTRIES. DAB ANY AND ASSOCIATES WERE CONTACTED ONCE MORE TO ASSIST THE CITY IN THE DEVELOPMENT OF THE CULTURAL ARTS FUNDING POLICIES AND STRUCTURES THAT REALLY FORM THE BASIS ON WHICH THESE PROPOSED GUIDELINES WERE DEVELOPED. THERE'S BEEN AN EXTENSIVE AMOUNT OF PUBLIC INPUT INTO THE DEVELOPMENT OF THE PROPOSED GUIDELINES. IN APRIL 2003 STAFF COORDINATED A POLICY ROUND TABLE WITH 15 COMMUNITY LEADERS. DURING THE SUMMER. DABNEY DRAFTED THE INITIAL PROPOSAL THAT WAS PRESENTED TO THE COMMUNITY. 59 OF 60 INVITED ATTENDEES WORKED ON THE FOCUS GROUPS. IN ADDITION, STAFF INTERVIEWED OVER 45 LOCAL ARTS ORGANIZATIONS AND WE RECEIVED 100 COMMENTS ON THE DRAFT. IN OCTOBER ANOTHER DRAFT WAS PUT UP ON THE WEB FOR PUBLIC COMMENT FOR THREE WEEKS AND WE RECEIVED 97 COMMENTS. IN NOVEMBER, I WAS BROUGHT ON AND WAS GIVEN THE DRAFT THAT WAS INCLUSIVE OF THE ENTIRE PROCESS, WHICH INCLUDED COMMENTS FROM THE CONSULTANTS, STAFF AND THE PUBLIC. I THEN BEGAN TO CONSOLIDATE THE INFORMATION AND TO CONVERT THAT FROM THAT CONTENT INTO A FRAMEWORK THAT WAS A USABLE FUNDING PROGRAM GUIDELINE. SINCE THAT TIME I'VE ALSO BEEN MEETING WITH NUMEROUS GROUPS AND INDIVIDUALS ON AN ONGOING BASIS. IN DECEMBER WE E-MAILED AN OUTLINE OF THE NEW PROGRAMS TO OVER 400 STAKEHOLDERS, AND IN FEBRUARY WE POSTED THE FOURTH DRAFT ONLINE AGAIN FOR PUBLIC COMMENT. ON MARCH SECOND WE HELD A PUBLIC FORUM ON THE GUIDELINES, AND 54 PEOPLE ATTENDED. ALSO IN MARCH THE ARTS COMMISSION HELD A

SPECIAL MEETING TO REVIEW THE GUIDELINES AND MADE RECOMMENDATIONS THAT WERE INCLUDED IN THE PROPOSED GUIDELINES THAT YOU HAVE BEFORE YOU TODAY. IN SUMMARY, THE DEVELOPMENT OF THESE PROGRAMS HAS BEEN UNDER WAY FOR NEARLY TWO YEARS AND HAS INCLUDED THE COMMUNITY, STF AND PROFESSIONAL CONSULTANTS, AND HAS HELPED REALLY ESTABLISH NEW LEVELS OF DIALOGUE WITHIN THE COMMUNITY. I WOULD LIKE TO TALK YOU THROUGH SOME OF THE KEY CHANGES IN THE PROPOSED GUIDELINES. WE HEARD FROM THE ARTS COMMUNITIES AND THE CONSULTANTS THAT ONE OF THE KEY ISSUES IN THE OLD PROCESS WAS THE FACT THAT SMALL ORGANIZATIONS AND INDIVIDUALS HAD TO COMPETE DIRECTLY WITH MAJOR INSTITUTIONS. IN RESPONSE TO THAT, THE PROPOSED GUIDELINES ESTABLISHED FOUR SPECIFIC FUNDING PROGRAMS CRAFTED TO SUIT DIFFERENT SIZES OF ORGANIZATIONS AND PROJECT ACTIVITIES. THEY ARE INSTITUTIONAL SUPPORT, PROJECT SUPPORT, COMMUNITY INITIATIVES AND SPECIAL OPPORTUNITIES. INSTITUTIONAL SUPPORT IS DESIGNED TO PROVIDE GENERAL OPERATING SUPPORT FOR LARGE AND MEDIUM ARTS ORGANIZATIONS. APPLICANTS IN THIS PROGRAM MUST HAVE A MINIMUM OF 100,000 IN ANNUAL CASH REVENUE AND MAY REQUEST UP TO 200,000 OR 25% OF THEIR OPERATING REVENUE, WHICHEVER IS LESS. THEY MUST HAVE BEEN IN OPERATION FOR FIVE YEARS AND HAVE YEAR-ROUND PROGRAMS. PROJECT SUPPORT IS AVAILABLE TO ALL SIZE CULL CHURT ARTS ORGANIZATIONS BUT IS TARGETED TO SMALLER AND MEDIUM ORGANIZATIONS AND LARGER INDIVIDUAL ARTISTS PROJECTS. IN THIS PROGRAM, ORGANIZATIONS MAY REQUEST UP TO 75,000 FOR SPECIFIC ARTS ACTIVITIES AND ORGANIZATIONS IN THIS CATEGORY MUST BE IN EXISTENCE FOR THREE YEARS. INDIVIDUALS MAY REQUEST UP TO \$25,000, BUT MUST BE UMBRELLAD BY A NONPROFIT ORGANIZATION. THE PROGRAM REQUIRES A ONE TO ONE OVERALL MATCH WITH 50% OF THE MATCH REQUIRED AS CASH AND 50% ALLOWABLE AS IN KIND. COMMUNITY INITIATIVES IS THE CENTER PROGRAM TO PROJECT SUPPORT AND IS A SMALLER VERSION DESIGNED TO ALLOW ACCESS TO FUNDING FOR SMALL COMMUNITY-BASED PROJECTS BY ORGANIZATIONS AND FUNDS. IT HAS

SOMEWHAT LESS STRINGENT REQUIREMENTS IN THE APPLICATION AND REVIEW CRITERIA THAT IS REFLECTIVE OF THE NATURE OF THESE TYPES OF PROJECTS. IN THIS PROGRAM, APPLICANTS MAY REQUEST UP TO \$10,000 FOR SPECIFIC ACTIVITIES AND INDIVIDUALS AGAIN MUST APPLY UNDER THE UMBRELLA OF A NONPROFIT. ORGANIZATIONS WHO APPLY IN THIS CATEGORY MUST BE IN EXISTENCE FOR A YEAR AND AS IN PROJECT SUPPORT, IT REQUIRES A ONE TO ONE OVERALL MATCH WITH 50% CASH AND 50% IN KIND. SPECIAL OPPORTUNITIES IS A NEW PROGRAM THAT'S BEING PROPOSED AND IT'S TARGETED TO DIRECT PROFESSIONAL DEVELOPMENT OF EMERGING ARTS ORGANIZATIONS AND INDIVIDUAL ARTISTS. IN THIS PROGRAM, APPLICANTS CAN APPLY FOR FUNDS TO ADDRESS NEEDS THAT MAY ARISE DURING THE YEAR THAT WERE UNPLANNED AND/OR UNBUDGETED FOR. SMALL AND MICROSIZED ORGANIZATION MAY APPLY FOR UP TO A THOUSAND DOLLARS FOR ACTIVITIES SUCH AS BOARD DEVELOPMENT, GUEST SPEAKER HONOR RAREIUM, CONSULTANTS, CONFERENCE REGISTRATION, SPECIAL TRAINING. THIS PROGRAM WILL HAVE ONGOING DEADLINES, WITH THE FUNDING REALLY BASED ON A FIRST COME, FIRST SERVE BASIS AS WE HAVE FUNDING AVAILABLE. FUNDS IN THIS PROGRAM MUST BE MATCHED DOLLAR FOR DOLLAR AND THE PROGRAM WILL HAVE A SIMPLE APPLICATION FORMAT THAT WILL BE REVIEWED BY STAFF TO ENSURE THAT THE APPLICATIONS MEET THE PROGRAM CRITERIA. THE PROGRAMS WILL HAVE STAGGERED DEADLINES. THIS YEAR THE FIRST DEADLINE WILL BE JUNE 1st FOR INSTITUTIONAL AND PROJECT SUPPORT AND COMMUNITY INITIATIVES WILL BE JULY 1st. SPECIAL OPPORTUNITIES WE WILL BEGIN RECEIVING APPLICATIONS AFTER THE FISCAL YEAR IN OCTOBER. APPLICATIONS WILL BE SUBMITTED TO THE CITY'S PURCHASING OFFICE WHERE THEY WILL BE TIME STAMPED AND DATED. IF APPLICANTS HAVE TROUBLE MEETING THE HAND DELIVERED DEADLINE FOR THEIR APPLICATIONS, THEY MAY CHOOSE TO MAIL IN THEIR APPLICATION. HAVING A DEADLINE OF MIDNIGHT ON THE DAY THAT IT'S DUE REALLY GIVES ORGANIZATIONS THE MAXIMUM AMOUNT OF TIME POSSIBLE, AND FLEXIBILITY BY NOT HAVING TO COME TO A CITY OFFICE IF THEY SO CHOOSE. APPLICATIONS SUBMITTED WITH A POSTMARK AFTER THE DEADLINE DATE

WILL NOT BE ACCEPTED AND THEY WILL BE RETURNED TO THE APPLICANT. ANOTHER CONCERN CITED BY THE CONSULTANTS AND ECHOED BY SOME OF THE CURRENT APPLICANTS RELATES TO THE PEER REVIEW PANELS. THE SPECIFIC ISSUES WERE THAT THE REVIEW CRITERIA USED AND THE METHODS FOR SCORING AND FUNDING WERE INCONSISTENT. IN RESPONSE TO THAT, THE NEW PROGRAM ESTABLISHED STANDARDIZED REVIEW CRITERIA FOR EACH PROGRAM, WHICH ARE PUBLISHED IN THE GUIDELINES. WHILE EACH ARTISTIC DISCIPLINE DOES HAVE CHARACTERISTICS THAT MAKE IT UNIQUE, THE PANELS WILL REVIEW ALL APPLICATIONS WITHIN EACH PROGRAM, USING THE SAME CRITERIA AND PROCESS. THE PROGRAM STRUCTURE CREATES MORE EQUITABLE AND OBJECTIVE SCORING AND ALLOWS DIFFERENT POINTS OF ACCESS TO THE FUNDING FOR DIFFERENT SIZES OF ORGANIZATIONS. PANELS WILL NOW EVALUATE PROJECTS OF SIMILAR SIZE AND SCOPE, WHICH SHOULD PROVIDE INCREASED CONSISTENCY. IN ADDITION, THE MATCHING REQUIREMENTS, AS I MENTIONED BEFORE, IN EACH PROGRAM HAVE BEEN RE-SCIBT FOR ALL APPLICANTS IN THAT PROGRAM. ANOTHER ISSUE OF CONCERN RAISED WAS THE CONFLICT OF INTEREST OF PEER REVIEW PANELS. IN RESPONSE TO THAT CONCERN, THE NEW PROGRAMS PROVIDE A MORE EFFECTIVE STRUCTURE TO SAVE GUARD THIS ISSUE. REVIEW HANDLES WILL BE MADE UP OF NOT ONLY LOCAL INDIVIDUALS, BUT ALSO STATE AND REGIONAL REPRESENTATIVES. IT REDUCES CONFLICTS OF INTEREST AND PROVIDES AN OPPORTUNITY FOR NON-LOCAL PANELISTS TO LEARN MORE ABOUT AUSTIN'S ARTS AND CULTURAL INDUSTRY, WHICH REALLY HELPS PROMOTE OUR ORGANIZATIONS OUTSIDE THE CITY. WE SENT OUT CALLS FOR PANELISTS LOCALLY AND THROUGHOUT THE REGION AND HAVE BEEN RECEIVING NOMINATIONS AND RESUMES. STAFF WILL ASSEMBLE PANELS AND FORWARD THE RECOMMENDATIONS TO THE ARTS COMMISSION FOR APPROVAL. PANELISTS WILL RECEIVE TRAINING AND GUIDANCE INCLUDING INSTRUCTIONS ON HOW TO DO THE REVIEW, PANEL HANDBOOKS, MATERIALS, CODES OF CONDUCT, ETHICS AND CONFLICT OF INTEREST. WE WILL HAVE PANEL ORIENTATION MEETINGS PRIOR TO REVIEW AND I WILL PROVIDE FACILITATION AND OVERSIGHT OF THE

PANELS. WE ARE ALSO GOING TO PAY PANELISTS A SMALL STIPEND FOR THIS SERVICE AND THIS REALLY ESTABLISHES A MORE PROFESSIONAL RELATIONSHIP WITH THE PANELISTS AND INDICATES THE CITY'S IMPORTANCE TO THIS ACTIVITY. AS I MENTIONED PREVIOUSLY, THE PANELISTS IN THIS PROGRAM MR. ALL USE A STANDARDIZED CRITERIA AND EACH PANEL WILL BE FACILITATED IN THE SAME MANNER. WE HAVE SEPARATED THE EVALUATION PROCESS FROM THE FUNDING PROCESS. PANELISTS RATE THE APPLICATIONS BASED ON THE PUBLISHED CRITERIA. APPLICATIONS ARE REVIEWED INDIVIDUALLY AND WE ASK PANELISTS NOT TO MAKE COMPARISONS FROM ONE APPLICATION TO ANOTHER. AN APPLICANT'S OVERALL SCORE WILL BE BASED ON THE AVERAGE OF THE PANELISTS. WE WILL MONITOR THE SCORES FOR ANY APPARENT CONFLICT OF INTEREST THAT MAY ARISE AND/OR CO-LIEWTION OR ANYTHING THAT APPEARS TO BE A POB. COLLUSION OR ANYTHING THAT APPEARS TO BE A PROBLEM. SCORES WILL BE FORWARDED TO THE ARTS COMMISSION. A CONCERN RAISED AGAIN IN THE AUDIT BY THE CONSULTANTS AND MEMBERS OF THE ARTS COMMUNITY WAS THAT FUNDING ALLEGATIONS WERE NOT CONSISTENT WITH THE SCORE OF AN APPLICANT. IN RESPONSE TO THAT CONCERN, THESE PROGRAMS ESTABLISHED THE IMPLEMENTATION OF AN ALLOCATION PROCESS THAT IS BASED ON MATHEMATICAL FORMULAS. HERE'S AN OVERVIEW OF THE PROCESS OF A FORMULA APPROACH TO DETERMINING ALLOCATIONS. AFTER THE PANELS HAVE MET AND REVIEWED ALL THE APPLICATIONS, WE WILL THEN KNOW WHO IS BEING RECOMMENDED FOR FUNDING AND HOW MUCH THEY ARE REQUESTING. THESE ARE BOTH KEY ISSUES IN DEVELOPING FORMULAS. SINCE STAFF WILL WORK WITH THE ARTS COMMISSION OR COUNCIL TO IDENTIFY FUNDING PRIORITIES AND POLICIES, AND THESE CAN CHANGE FROM YEAR TO YEAR IN RESPONSE TO CURRENT TRENDS, NEEDS, ETCETERA. STAFF THEN CAN USE THE POLICIES AND PRIORITIES ALONG WITH THE PANEL SCORES TO DETERMINE MATHMATIC CAN I HOW MUCH EACH ORGANIZATION SHOULD RECEIVE. ONCE PRIORITIES AND POLICIES ARE IDENTIFIED, ALL ORGANIZATIONS WITHIN EACH PROGRAM WILL BE TREATED CONSISTENTLY. THE FUNDING RECOMMENDATIONS ARE THEN PRESENTED TO THE ARTS COMMISSION FOR REVIEW

AND FORWARDED TO COUNCIL FOR APPROVAL. ONCE COUNCIL APPROVES THE AWARDS WOULD BE ANNOUNCED AND THE CONTRACTING PROCESS WOULD BEGIN. HERE'S A BASIC EXAMPLE OF HOW A FORMULA CAN WORK. THE BASIC CONCEPT IS THAT THE AMOUNT OF THE ELIGIBLE REQUESTS FOR EACH APPLICANT IS MULTIPLIED BY THE PERCENT OF TOTAL AVAILABLE FUNDS AND ALSO BY THE SCORE. THIS DETERMINES THE AMOUNT OF ALLOCATIONS. THIS CAN BE DONE SIMPLY ACROSS ALL APPLICANTS. BUT IN A MORE PRACTICAL APPLICATION, AS I MENTIONED BEFORE, FUNDING PRIORITIES AND POLICIES ARE ESTABLISHED AND IMPLEMENTED WHICH ALSO CONTRIBUTE TO THE FORMULA. AN EXAMPLE, SPECIFIC AMOUNTS OF FUNDING MAYBE ALLOCATED TO INDIVIDUAL SPECIFIC PROGRAMS. FORMULA BASED CONSIDERATIONS CAN ALSO BE IMPLEMENTED FOR SUCH THINGS SUCH AS SPECIAL INITIATIVE, TARGET AUDIENCES AND OTHER PRIORITIES. THE ARTS COMMISSION AND/OR THE COUNCIL IS PART OF THE OVERALL FORMULA APPROACH DETERMINES THESE POLICIES AND PRIORITIES. EACH APPLICANT IN A PROGRAM WOULD BE SUBJECT TO THE SAME FORMULA, BUT THERE COULD BE DIFFERENT FORMULAS IN EACH PROGRAM OR SUBSET. ANOTHER CONCERN NOTED IN THE AUDIT AND THE CONSULTANTS' REPORTS WERE MULTIPLE AVENUES OF APPEAL. BECAUSE OF THIS, THE APPEAL PROCESS IS PUBLISHED IN THE GUIDELINES AND THERE'S ONE STANDARDIZED PROCESS THAT WILL BE USED FOR ALL APPLICANTS. THERE ARE VERY SPECIFIC GROUND FOR APPEAL THAT WOULD BE CONSIDERED, AND THEY ARE: COMMISSION OR STAFF ADMINISTRATIVE ERROR, CONFLICT OF INTEREST OR PRESENTATION OF MISINFORMATION. IF AN ORGANIZATION IS FOUND TO BE ELIGIBLE AND IS RECOMMENDED FOR FUNDING, THEY MAY NOT APPEAL. SCORE OR THE LEVEL OF FUNDING IN AND OF ITSELF IS NOT GROUNDS FOR APPEAL. NOW, OBVIOUSLY IF THE SCORE WAS AFFECTED DUE TO ONE OF THE THREE THINGS I MENTIONED PREVIOUSLY, THEN THE APPEAL WOULD BE MADE BASED ON THOSE THREE FACTS. APPEALS WILL OCCUR AFTER COUNCIL MAKES A FUNDING DETERMINATION AND STAFF WILL MONITOR AND ADVISE THE ARTS COMMISSION AND COUNCIL THROUGHOUT THE PROCESS OF ANY POTENTIAL APPEALS OR ISSUES THAT COULD ARISE. IN SUMMARY, THE

DEVELOPMENT OF THE FUNDING PROGRAMS HAS INCLUDED INPUT AND PARTICIPATION FROM A WIDE VARIETY OF STAKEHOLDERS FROM THROUGHOUT THE COMMUNITY. WE HAVE ESTABLISHED NEW POLICIES AND PROCEDURES TO STRENGTHEN THE PEER REVIEW IN MONITORING THE CONFLICT OF INTEREST. WE ARE ESTABLISHING A MORE EQUITABLE APPLICATION AND REVIEW ALLOCATION PROCESS AND WE ARE GOING TO BE EVALUATING THE ACTIVITIES THIS NEXT YEAR AND ENGAGE THE COMMUNITY IN THE FURTHER REFINEMENT OF THESE SYSTEMS. IT WILL TAKE AWHILE FOR ALL THE ADJUSTMENTS TO BE MADE, BUT IN THE END I BELIEVE YOU WILL HAVE A PROFESSIONALLY RUN, TRANSPARENT PROCESS THAT YOU CAN ALL BE PROUD OF. ONE OF THE NEXT STEPS IN THIS PROCESS? FOR STAFF AND THE ARTS COMMUNITY, WE WILL BE CONDUCTING WORKSHOPS, ASSISTING APPLICANTS, RECRUITING AND TRAINING PEER REVIEWERS AND GETTING READY FOR THE SUMMER PANELS. ANOTHER RELIGIOUS FROM THE CONSULTANT REPORT DOES CALL FOR COUNCIL ACTION. THE CONSULTANT'S REPORT RECOMMENDED THE ESTABLISHMENT OF A NEW ADVISORY BODY TO OVERSEE AND ABIDE BY CULTURAL ARTS ISSUES. THE CONCEPT PRESENTED BY THE CONSULTANT IN THEIR REPORT WAS AN ADVISORY BODY THAT WAS BROADER IN DIVERSITY AND COMMUNITY REPRESENTATION AND INCLUDES INDIVIDUALS WHO NOT ONLY HAD ARTS EXPERTISE, BUT ALSO SKILLED IN BUSINESS, HOTEL, PHILANTHROPY, FINANCE, ETCETERA. AND THIS BODY WOULD NOT ONLY MONITOR THE CULTURAL CONTACTS PROCESS, BUT ALSO ASSIST IN THE DEVELOPMENT OF A LARGER POLICY ISSUES SUCH AS BRIDGING THE NONPROFIT AND COMMERCIAL ARTS INDUSTRIES, IDENTIFYING AND ACCESSING NEW SOURCES OF REVENUES TO SUPPORT ARTS AND CULTURE AND OTHER ISSUES RELATED TO THE ARTS IN AUSTIN. WHILE WE DO NOT ANTICIPATE THE REPLACEMENT OF THE ARTS COMMISSION BEFORE THIS FUNDING CYCLE COULD BE IMPLEMENTED, WE WILL BRING COUNCIL A TRANSITION PLAN IN THE NEXT FEW MONTHS THAT WILL ASSIST THEM IN THE DEVELOPMENT OF THE NEW ARTS ADVISORY BOARD. I'D LIKE TO THANK YOU FOR YOUR CONTINUED SUPPORT OF ARTS AND CULTURE, FOR WORKING WITH STAFF ON THE DEVELOPMENT OF THESE GUIDELINES AND FOR THE OPPORTUNITY TO GIVE

YOU THIS PRESENTATION TODAY.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? IF NOT, WE HAVE A HANDFUL OF CITIZENS WHO SIGNED UP WISHING TO SPEAK. SO WITHOUT OBJECTION, WE'LL GO DIRECTLY -- COUNCILMEMBER ALVAREZ.

Alvarez: BEFORE FOLKS HAVE A CHANCE TO SPEAK, I WANTED TO SEE IF STAFF COULD OUTLINE THE ACTUAL FORMULA TO BE UTILIZED FOR CALCULATING THE AWARDS. BECAUSE I THINK THERE'S A LOT OF INFORMATION OUT THERE ABOUT THE CATEGORIES THAT -- THAT GROUPS WILL BE ABLE TO APPLY UNDER, BUT NOT A LOT OF INFORMATION OUT THERE OR AT LEAST UNDERSTANDING MAYBE ABOUT THE FORMULA THAT'S GOING TO BE USED TO ACTUALLY CALCULATE THE ACTUAL AWARD AND DIFFERENTIATING THE ACTUAL AWARD FROM THE AMOUNT REQUESTED BECAUSE THOSE ARE TYPICALLY TWO VERY DIFFERENT NUMBERS.

AGAIN, COUNCILMEMBER ALVAREZ, THE FORMULAS ARE DEVELOPED AFTER THE REVIEW PROCESS COMES IN, AS I MENTIONED, AND THEY'RE DEVELOPED USING SEVERAL CRITERIA. AS WE DISCUSSED, POLICY ISSUES CAN PLAY INTO THAT, BUT THE BASIC CONCEPT IS THAT DEPENDING UPON HOW MUCH MONEY IS REQUESTED BY THE APPLICANT AND HOW MUCH MONEY WE HAVE TO ALLOCATE, THAT CREATES A PERCENT OF AVAILABLE FUNDING. THAT IS MULTIPLIED BY THE ELIGIBLE REQUEST OF THE APPLICANT AND THEIR SCORE. AND THAT IS THE BROADEST CONCEPT. NOW, INDIVIDUAL FORMULAS AGAIN COULD BE DEVELOPED IF COUNCIL OR THE ARTS COMMISSION LOOKS AT THE ALLOCATION AND WANTS TO ESTABLISH POLICIES AND PRIORITIES SUCH AS PREDETERMINING SPECIFIC POTS OF MONEY FOR THIS PROGRAM, INSTITUTIONAL SUPPORT OR PROJECT SUPPORT. UNTIL ALL OF THOSE FACTORS REALLY - - SO ALL OF THOSE FACTORS REALLY HAVE TO BE ADDRESSED BEFORE WE CAN DEVELOP SPECIFIC FORMULAS. THAT WOULD BE DONE AFTER THE REVIEW WHEN WE KNOW WHAT THE TOTAL REQUEST IS, WHAT THE TOTAL ALLOCATION IS AND WHAT THE SCORES OF ALL THE APPLICANTS ARE.

Alvarez: SO THE FORMULA WE'VE DISCUSSED GENERALLY

ABOUT ELIGIBLE REQUESTS TIMES PERCENT OF AVAILABLE FUNDS TIMES SCORE --

THAT'S THE STRONG BASIS OF HOW THE FORMULA LOOKS. UNTIL YOU PLUG IN REAL NUMBERS OF HOW MUCH IS AVAILABLE FOR THIS PROGRAM TIMES HOW MUCH WAS ASKED FOR TIME THE SCORE --

Alvarez: BECAUSE I THINK EVERYONE UNDERSTANDS THAT THE SCORE HAS A SIGNIFICANT IMPACT ON THE AWARD, BUT SO DOES HOW MUCH MONEY IS REQUESTED VERSUS HOW MUCH MONEY WE HAVE TO GIVE OUT.

THAT'S EXACTLY CORRECT.

Alvarez: AND I THINK ONE OF THE SCENARIOS THAT WAS LAID OUT TO US IS IF TWICE AS MUCH MONEY IS REQUESTED AS WE HAVE TO AWARD, THEN IMMEDIATELY EVERY REQUEST IS REDUCED BY 50% TO ACCOUNT FOR THAT SUCH THAT IF YOU APPLY FOR \$50,000, THE MOST YOU COULD GET AFTER THAT ADJUSTMENT IS MADE IS \$25,000, AND THAT'S ZOOMING YOU GET 100 SCORE ON YOUR APPLICATION. SO I JUST WANT TO MAKE SURE FOLKS UNDERSTAND THAT WHAT WE'RE TALKING ABOUT IS THE AMOUNT REQUESTED UNDER EACH CATEGORY AND NOT THE ACTUAL AWARD. AND I'LL TALK MORE ABOUT IT, BUT I JUST -- I HAD RECEIVED A LOT OF QUESTIONS FROM ARTS ORGANIZATIONS ABOUT THE FORMULA AND HOW THAT WORKS. AND I JUST WANTED TO WALK THROUGH IT AT LEAST BRIEFLY. AND THAT MIGHT CREATE MORE QUESTIONS THAN ANSWERS, BUT WE'LL SEE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, COUNCIL. IF NOT, WE HAVE A DOZEN OR SO CITIZENS SIGNED UP. WE'LL START WITH DEBRA HAY. WELCOME, YOU WILL HAVE THREE MINUTES. YOU CAN APPROACH EITHER PODIUM. AND YOU WILL BE FOLLOWED BY ESPECIALLY LA CHAKINEY. WELCOME, MA'AM.

THANK YOU FOR YOUR TIME AND INTEREST. I'M DEBRA HAY. I REB THE DEBRA HAY DANCE COMPANY, WHICH HAS BEEN A NONPROFIT, TAX EQUIPMENT ORGANIZATION IN AUSTIN SINCE 1980. AND I'M ALSO AN INDIVIDUAL ARTIST WHO OVERTHE LAST -- WHO OVER THE LAST 10 TO 15 YEARS HAS

SPENT MOST OF MY TIME OUTSIDE OF AUSTIN TOURING BOTH NATIONALLY AND INTERNATIONALLY. COMING BACK TO AUSTIN THIS LAST YEAR, I SAT IN OFTEN AT THE AUSTIN ARTS COALITION MEETINGS. I THINK IT IS A VERY STRONG GROUP. I THINK IT REPRESENTS A GOOD CROSS-SECTION OF THIS ARTS COMMUNITY. I THINK IT IS -- EVERY SESSION THAT I'VE BEEN AT, VERY INTELLIGENT QUESTIONS HAVE BEEN ASKED, ADDRESSED MOST FAIRLY. I THINK THAT WE -- I THINK THE ARTS COALITION IS STRONGLY BEHIND THESE NEW GUIDELINES, WITH THE UNDERSTANDING THAT IN THE NEXT YEAR WE WILL LOOK AT THEM AND ADDRESS THEM, SEE HOW SMOOTHLY THEY AFFECT OUR CITY AND THE ARTISTS WITHIN IT. AND I HOPE YOU WILL SUPPORT THIS NEW DRAFT. I THINK IT REPRESENTS A REAL -- A VERY STRONG VOICE FOR THE ARTS IN THIS COMMUNITY, AND IT'S SOMETHING THAT WE'VE NEEDED AND IT IS SOMETHING THAT I SEE HAS BEEN HAPPENING WITH A LOT OF GENEROSITY, A LOT OF CLARITY, AND A LOT OF SMARTS. SO THANK YOU.

Mayor Wynn: THANK YOU. EMILY? WELCOME.

THANK YOU. I'M HERE IN SUPPORT OF THE PASSING OF THESE NEW GUIDELINES. THE SUPPORT THAT THE CITY HAS GIVEN TO THE ARTISTIC COMMUNITY OVERALL IS REMARK BELIEVE AND IMPORTANT FOR MANY REERZ. IT PROVIDES INCENTIVES, STABILITY, LEGITIMACY AND PERHAPS MORE IMPORTANTLY EQUITY IN ARTS PEA. IT'S NO SECRET TO ANY OF YOU THAT THE PROCESS TODAY HAS BEEN RANKED WITH CONTROVERSY AND CONFLICT. I WILL ONLY ADD TWO EXAMPLES. MY GROUP, VSA OF AUSTIN, WAS THREE TIMES RANKED NUMBER ONE BY THE PEER RANKED PROCESS AND EACH TIME HAD FUNDING CUT AND GIVEN TO LOWER RANKING ORGANIZATIONS. AND WHEN ZACHARY SCOTT THEATER WAS FINALLY RANKED NUMBER ONE IN THE COMPETITIVE THEATER PANEL, ITS FUNDING WAS CUT BY OVER \$20,000 AND GIVEN TO ORGANIZATIONS THAT SERVED LESS THAN AN EIGHTH OF ITS AUDIENCE. IT'S HARD NOT TO SEE THE INJUSTICE IN THAT. THE POLICY THAT THE ALLOCATION RECOMMENDATION OF THE PEER PANELISTS WAS IGNORED WAS DISRESPECTFUL OF THE TIME AND EFFORT THAT PEOPLE WHO KNOW AND LOVE AUSTIN ARTS BEST. SUBJECTIVITY AND RANDOMNESS OF THIS PROCESS

HAS UNDERMIND OUR TRUST OF THE PROCESS. WE ARE ALL FEELING BURNED. I'M SURE YOU ARE TOO. IN MY ROLE AS MANAGER OF ARTS EDUCATION AT VSA ARTS OF TEXAS, I AM ENGAGED IN TEACHING CLASSROOM TEACHERS IN THE ARTS IN ALL DISCIPLINES, TO TEACH LANGUAGE ARTS AND READING IN AN INCLUSIVE SETTING. THIS IS FUNDED BY THE DEPARTMENT OF EDUCATION AND THE TEXAS COUNCIL ON DEVELOPMENTAL DISABILITIES. AS SUCH I HAVE BEEN MORE AWARE OF EQUITY IN GOVERNMENT FUNDED PROGRAMS. INCLUSIVENESS IS A PHILOSOPHY THAT GREW OUT OF THE DISABILITY RIGHTS MOVEMENT THAT PEOPLE WITH DISABILITIES SHOULD HAVE FULL ACCESS TO ALL ASPECTS OF LIFE. WE HELP MAKE SURE THAT A CHILD WITH A DISABILITY IS TOLD NOT -- NOT TOLD THAT THEY CAN'T DANCE BECAUSE THEY USE A WHEELCHAIR OR THEY CAN'T BE INDIVIDUAL ARTS -- IN A VISUAL ARTS CLASS BECAUSE THEY ARE BLIND, BUT IF WE MAKE ACCOMMODATIONS FOR A CHILD SUCH AS ONE WITH WITH A VISIBILITY IMPAIRMENT, WE MUST MAKE IT FOR ALL. THIS IS EQUITY. I REVIEWED THESE GUIDELINES AND I THINK THEY ARE A MAJOR STEP IN THE RIGHT DIRECTION. I GET EXCITED BY THE NEW GUIDING PRINCIPLES AND AGREE THAT THE ARTS WILL HELP MAKE AUSTIN A MORE VIBRANT COMMUNITY AND THRIVE ECONOMICALLY. I HAVE KNOW MR. KITCH TO BE OPEN AND ACCESSIBLE PERSONALLY AND THROUGH COMMUNITY BASED SETTINGS AND HAVE BEEN KEPT WELL INFORM OF THE CHANGES AS THEY HAVE OCCURRED. THE SEPARATION OF LARGE ORGANIZATIONS FROM THE SMALL IS SOMETHING THAT I REALLY THINK IS QUITE IMPORTANT. AND WHAT'S PERHAPS THE MOST HOT ISSUE, THAT OF CULTURAL DIVERSITY, I STILL SEE CRITERIA IN THE EVALUATION THAT SPEAKS TO DIVERSITY OF CULTURE, ECONOMIC STATUS AND PHYSICAL AND COGNITIVE ABILITY. AND WHILE I HAVE QUESTIONS, I THINK IT'S TIME THAT WE LIVE WITH THESE GUIDELINES AND LET THEM MOVE FORWARD. THANK YOU VERY MUCH FOR ALL YOU DO FOR ARTS IN AUSTIN. I REALLY APPRECIATE IT. [BUZZER SOUNDS]

Mayor Wynn: THANK YOU. GOOD TIMING. NEXT SPEAKER IS LATIFA (INDISCERNIBLE). SORRY IF I'M MISPRONOUNCING THAT. YOU WILL BE FOLLOWED BY MEL ZIEGLER, WHO WILL BE FOLLOWED BY BRUCE (INDISCERNIBLE). WELCOME. YOU

WILL HAVE THREE MINUTES.

MY NAME IS LATIFAH AND I'M WITH AUSTIN CIRCLE OF THEATERS. THERE'S 139 139 PEER ORGANIZATIONS WHO ARE MEMBERS OF OUR ORGANIZATION, SO I SPEAK FOR MANY PEOPLE. AND I HAVE ATTENDED THESE CO-LIST MEETINGS ALSO -- COALITION MEETINGS ALSO, IN FACT WITH JASON AND ANGELA HELPED START THE COALITION BECAUSE WE FEEL THAT DIALOGUE AMONG THE COMMUNITY OURSELVES IS A WAY THAT WE CAN STRENGTHEN OUR OWN COMMUNITY. AND THE WHOLE POINT OF THE COALITION HAS BEEN TO BUILD CONSENSUS AND TO FIND THOSE AREAS WHERE WE HAVE A COMMON VOICE AND CAN SPEAK WITH A COMMON INTEREST ON OUR BEHALF BECAUSE THAT WAY WE'LL GROW THE ARTS. OUR REAL FOCUS IS DPROAG THE ARTS COMMUNITY IN EVERY WAY POSSIBLE. WE HAVE VERY MUCH WELCOMED A REAL CHANGE IN HOW THE ARTS SCENE HAS HAPPENED WITH THE ARRIVAL OF VINCENT KITCH. HE HAS TRULY OPENED HIS DOORS TO THE COMMUNITY AND HAS ALLOWED PEOPLE TO COME FORWARD WITH THEIR IDEAS. I KNOW THAT HE'S SPOKEN TO PEOPLE WHO HAVE BEEN RABL ROUSERS. HE'S OPEN HIS DOORS TO ANYONE. I THINK THAT THAT BE SPEAKS WHERE HE'S GOING WITH, THIS NEW PROPOSAL. WE WOULD LIKE TO SPEAK VERY MUCH ON BEHALF OF THE PROPOSAL.

WEWE WANT TO JUMP IN. WE KNOW IT'S NOT PERFECT. WE KNOW WE'RE NOT PERFECT. NOBODY IS GOING TO HAVE A PERFECT THING THE FIRST TIME OUT. WE THINK YOU CAN MAKE A BETTER SAND CASTLE IF YOU'RE IN THE SAND BOX. YOU CAN'T DO IT IF YOU'RE STANDING OUTSIDE LOOKING AT HMM, SHOULD WE PUT MORE SAND IN THERE? I DON'T KNOW. WE HAVE A BUCKET HERE. IT'S NOT GOING TO HAPPEN THAT WAY. IT'S GOING TO HAPPEN IF WE JUMP IN AND GET OUR FEET WET AND TRY IT MAKE IT WORK. WE WANT TO JUMP IN AND WORK WITH THE SYSTEM. WE'RE VERY PLEASED THAT VINCENT HAS SAID VERY MUCH OUT THAT THIS IS A PILOT PROGRAM, AND WE RECOMMEND, AND I HOPE THAT JASON WILL PRESENT HIS IDEAS, WHICH REPRESENT MANY OF US, ON A TIME LINE FOR THE EVALUATION THAT WE HOPE THE ARTS COMMUNITY WOULD BE INVOLVED VERY DIRECTLY IN EVALUATING THIS FIRST

YEAR SO THAT WHEN WE COME OUT AT THE END OF THE YEAR, WE REALLY HAVE A COMMUNITY SET, COMMUNITY SUPPORTED, COMMUNITY BUILT SYSTEM OF SUPPORTING YOUR COMMUNITY. THANK YOU.

Mayor Wynn: THANK YOU. MEL? HOW ARE YOU? WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY BRUCE (INDISCERNIBLE).

MAYOR WYNN, MAYOR PRO TEM GOODMAN, COUNCILMEMBERS. I'M MEL ZIEGLER, CHAIR OF THE AUSTIN ARTS COMMISSION. GOOD TO SEE YOU ALL AGAIN. THE AUSTIN ARTS COMMISSION SUPPORTS THE REVISED POLICIES AND PROCEDURES FOR THE CITY OF AUSTIN'S CULTURAL ARTS FUNDING PROCESS. FOR THE NEXT YEAR I URGE YOU TO MOVE FORWARD BY VOTING APPROVAL. IT IS SAFE TO SAY THAT IT IS A WORKING DOWMENT DOCUMENT AND MAY NEED REVIEW AND CHANGES FOR THE NEXT CONTRACT CYCLE. WE ARE THE COMMISSION WITH THE HELP OF VINCENT KITCH, THE CULTURAL PROGRAM MANAGER, WILL BE HAPPY TO HELP FACILITATE ANY REVIEW PROCESS WITH THE COMMUNITY. AT THIS TIME WE FEEL IT IS IMPORTANT TO MOVE FORWARD AND SUPPORT MR. KITCH AND THE NEW PROCESS. THERE'S BEEN A LOT OF TIME, THOUGHT AND DISCUSSION AMONGST THE WHOLE COMMUNITY TO SET THIS -- TO GET TO THIS POINT. AGAIN, WE THE COMMISSION URGE YOU ALL TO VOTE APPROVAL WITH THE UNDERSTANDING THAT A GROUP PROCESS IN COLLABORATION WITH THE COMMUNITY, AND I STRESS IN COLLABORATION. I THINK IT'S REALLY IMPORTANT THAT WE CONTINUE THAT COLLABORATION, WILL BE IN PLACE AS NECESSARY. THANK YOU.

Mayor Wynn: THANK YOU, MR. ZIEGLER. BRUCE (INDISCERNIBLE). WELCOME, SIR. YOU HAVE THREE MINUTES.

MAYOR AND COUNCIL, SORRY ABOUT THE VOICE. THE ALLERGIES ARE GETTING ME TODAY. I ALSO WANT TO SPEAK IN FAVOR OF GOING INTO THE NEW PROCESS. I HAVE SOME RESERVATIONS BECAUSE I KNOW WHEN THE PROCESS -- I KNOW THE PROCESS HAS SOME FLAWS THERE N. IT YET BUT REALLY COUNCIL HAS SOME CHOICES. WE CAN EITHER

ADOPT IT AS IT IS, ADOPT IT WITH MINOR CHANGES OR GO BACK TO THE OLD INTERIM PROCESS. EACH OF THOSE IS A BENEFIT AND EACH OF THOSE HAS SOME SERIOUS, SERIOUS DRAWBACKS, BUT THE SOLUTIONS ARE THE SAME. WE STARTED THE SOLUTION, BUT WE HAVEN'T GOTTEN INTO IT RIGHT. WE NEED A FULL BLOWN AUSTIN STYLE PUBLIC PROCESS TO EVALUATE THIS THING. NOT JUST A SMALL AMOUNT HERE AND THERE. THE WORK THAT THE ARTS ADVOCACY GROUP HAS DONE IS WONDERFUL. IT'S A START. THE ARTS PLAN, JUST THE FACT OF THE PLANNING, THE COMMITTEE, THE MEETINGS, ALL THE STUFF WE DID, BROUGHT THE COMMUNITY TOGETHER BETTER THAN ANYTHING. NOW, THERE ARE SOME REASONS WE WANT THIS PUBLIC PROCESS. WE NEED TO IDENTIFY WHAT REALLY ARE THE COMMUNITY'S VALUES AND PRIORITIES. WE NEED TO FLESH OUT AND DEVELOP THE CONCEPT OF HOW YOU MERGE ECONOMIC VITALITY AND CULTURAL VITALITY WITHOUT TURNING THE ARTS INTO A COMMODITY WITHOUT MESSING IT UP. WE'VE GOT TO KEEP IT REAL. WE DIDN'T REVIEW THESE CATEGORIES FOR FUNDING LIMITS, WE NEED TO REVIEW THE SCORING APPLICATION CRITERIA AND WE NEED TO DEVELOP ADDITIONAL COMPONENTS, WHICH WILL ENHANCE THE EFFECTIVENESS OF THE PROGRAM. THIS PUBLIC PROCESS SHOULD BE DONE IN A CONTEXT, A DEFINITE CONTEXT. THAT WOULD INCLUDE THINGS LIKE PRESERVING AUSTIN'S REPUTATION AS A CREATIVE, ATTRACTIVE COMMUNITY, INVESTING IN THE STRENGTH, TRADITIONALLY UNDERSERVED COMMUNITIES, CREATING STRONG BONDS OF CONNECTIVITY WITHIN THE AUSTIN COMMUNITY BECAUSE THAT'S WHAT BRINGS OUR DEVELOPMENT UP AND CREATES OUR REPUTATION. WE NEED TO FIGURE OUT HOW TO ENCOURAGE SIGNIFICANT IMPROVEMENT IN THE ADMINISTRATIVE AND ARTISTIC QUALITY WITH A LOT MORE ESPECIALLY EMPHASIS ON IMPROVEMENT YEAR AFTER YEAR THAN JUST ON STATIC QUALITY AND WE NEED TO DO THIS WITH THE IDEA OF SETTING AUSTIN APART AS A LEADING CITY IN INNOVATIVE APPROACH TO ART SUPPORT PROGRAMS. SO FAR THE ARTS COMMISSION HAS HAD A VERY LIMITED ROLE. IT WAS BROUGHT TO US FOR APPROVAL AT THE END. WE DID GET A CHANCE TO MAKE SOME SMALL COMMENTS, BULLET POINTS BASICALLY, BUT NOT TO ADDRESS THE PARADIGM. NOT TO

ADDRESS THE UNDERLYING PRINCIPLES ON WHICH THIS SHOULD BE BUILT. IJ THAT VINCENT HAS DONE A WONDERFUL JOB OPENING THE DOOR TO THE COMMUNITY, BUT WE'VE GOT TO GO THAT ONE STEP FURTHER IN THE PUBLIC PROCESS. I VOTED AGAINST THIS AT THE ARTS COMMISSION BECAUSE I SAW A PROBLEM. AT THAT TIME IT WAS INFLECTION I BELIEVE. THERE WAS NO WAY WE COULD CHANGE THING IF THEY RAN INTO SOME KIND OF TROUBLE. NOW I READ THAT THERE IS A WAY TO DO IT, BUT IT GOES TO THE ARTS COMMISSION,. THE LAST PART OF THE RESOLUTION. I THINK THAT WE MIGHT NEED SOME GUIDANCE TO WHAT VISIBLE AND PRUDENT ARE DEFINED AS AND ALSO -- [BUZZER SOUNDS] LET ME FINISH THIS POINT. I THINK WE'LL GET A MUCH, MUCH BETTER RESULT. IF ANY CHANGES THAT ARE MADE THIS FIRST YEAR MIDTERM ARE THROUGH THE AGREEMENT OF BOTH THE COMMISSION AND THE STAFF, IF WE'RE ON THE SAME PAGE IT'S A GOOD IDEA. IF WE'RE ON DIFFERENT PAGES, IT'S PROBABLY NOT. THANK YOU.

Mayor Wynn: THANK YOU. MR. RUIZ, YOU WILL BE FOLLOWED BY LEWIS (INDISCERNIBLE).

MY NAME IS COOKIE RUIZ AND I'M THE EXECUTIVE DIRECTOR OF BALLET AUSTIN. IT'S BEEN A JOY AND PLEASURE TO BE INVOLVED IN THE PROCESS OVER THE LAST COUPLE OF YEARS AND I ENJOYED GETTING INTO THAT PROCESS. BUT WE HAVE LEARNED A GREAT DEAL AS AN ARTS COMMUNITY AND TODAY WE ARE HERE, MANY OF US, TO ASK THAT YOU CONSIDER MOVING FORWARD. IMPART OF AN ARTS INSTITUTION, WHICH HAS NOT ALWAYS BEEN SUCH A GREAT THING TO BE IN THIS CITY. IT HAS BEEN A GREAT EXPERIENCE BEING THAT, BUT WE'VE OFTEN BEEN CHARACTERIZED AS BEING ONE OF THE BIG THREE AND OFTEN BEEN CHARACTERIZED THAT ONE OF THE BIG ISSUES WAS THAT WE DRANK TOO FREELY FROM THE WELL PERHAPS. I WOULD SUGGEST THAT WE'VE ONLY BEEN THE BIG TWO AND A HALF AND I'M THE EXECUTIVE DIRECTOR OF THE HALF. THE OLD SYSTEM NEEDS TO GO AWAY. IT WAS FILLED WITH INEQUITIES AND ONE SUCH I WILL CITE AS AN EXAMPLE FOR YOU THAT WOULD BE CONCRETE WOULD BE THE FOLLOWING: IN THE YEAR 2001 AFTER SPENDING SEVEN YEARS OR SIX YEARS AT BALLET AUSTIN ASKING ABOUT

WHAT SEEMED TO BE AN INEQUITY AND BEING TOLD THAT THERE WAS NO WAY TO SOLVE IT, BALLET AUSTIN RECEIVED THE NUMBER SIX RANKING AS A DANCE COMPANY IN AUSTIN, BUT THEN WHEN ONE WENT TO THE SCORING -- FROM THE SCORING LEVEL TO THE ALLOCATION LEVEL, THE NUMBER TWO COMPANY THAT WAS RANKED NUMBER TWO, RECEIVED THE TOP LEVEL OF FUNDING. THE SECOND LEVEL OF FUNDING WENT TO THE NUMBER 12 COMPANY AND THEN BALLET AUSTIN CAME IN AT NUMBER THEN AND THEN NUMBER SIX AND THEN THAT REALLY DOESN'T MAKE A WHOLE LOT OF SENSE. BUT THE LEVEL WE WERE FUNDED WAS \$53,000. WHICH IS FINE. I'M NOT SUGGESTING THAT THERE NEEDS TO BE ANY GREAT DEPENDENCE BY MAJOR ARTS INSTITUTION ON CITY FUNDING. THE CITY FUNDING IS CRITICALLY IMPORTANT TO US IN ORDER TO BE ABLE TO REACH ANY KIND OF NATIONAL LEVEL FUNDING, THE FIRST QUESTION ASKED IS HOW DOES YOUR CITY SUPPORT YOU? WE NEED THE VALIDATION FROM OUR CITY. MY OTHER TWO COLLEAGUES WERE FUNDED AT 112,000 AND \$110,000 RESPECTIVELY. DOESN'T MATTER WHICH WAY WE GO, BUT WE NEED TO GO TOGETHER. THE NEXT YEAR-- WE HEARD HOW IMPORTANT IT WAS FOR US TO CONTINUE THE PATH OF ARTISTIC EXCELLENCE. WE TRIED TO DO SO. WE BRING 60,000 PEOPLE TO OUR TICKET SALES AND WERE INVITED TO PERFORM FOR THE FIRST TIME AT THE KENNEDY FOR THE PERFORMING ARTS IN WASHINGTON, D.C. AFTER SELLING OUT SEVEN HOUSES THERE AND RECEIVING A RAVE REVIEW ON THE FRONT PAGE OF THE LIFE-STYLE OF THE WASHINGTON POST, I HAVE IN MY HAND THE REVIEWS THAT RANKED US STRAIGHT ONES IN -- ONES IN TERMS OF ARTISTIC EXCELLENCE AND ALLOCATED \$48,000 THE NEXT YEAR. THAT WAS THE YEAR 2002-2003, WHERE WE'VE BEEN FROZEN SINCE THAT TIME. OBVIOUSLY WE'RE PERSONALLY NOT VERY INTERESTED IN BEING FROZEN AT THAT LEVEL, BUT I WOULD SUGGEST TO YOU THAT A SYSTEM THAT IS EQUITABLE FOR BALLET AUSTIN SHOULD BE EQUITABLE FOR INDIVIDUAL ARTISTS IN A SMALL ARTS ORGANIZATION. I FEEL CONFIDENT THAT THE PROCESS WE'RE IN RIGHT NOW IS A PROCESS. WE'VE VOICED MANY SUGGESTIONS TO VINCENT. HE IS LISTENING. WE ALL KNOW THAT -- I DO AGREE THAT WE NEED AN EVALUATE ACTIVE PROCESS THAT IS BROAD BASE AND EXPANSIVE AND I THINK WE HAVE SUPPORT FOR THAT.

WE HAVE A WONDERFUL ARTS COMMUNITY. I'VE MET SO MANY AMAZING PEOPLE WITHIN THIS COMMUNITY AND IT IS AN INDUSTRY AND THIS INDUSTRY NEEDS A FAIR AND EQUITABLE PROCESS FROM THIS CITY. PLEASE SUPPORT. [BUZZER SOUNDS].

Mayor Wynn: LEWIS (INDISCERNIBLE). AM I PRONOUNCING THAT CORRECTLY? WELCOME. YOU WILL BE FOLLOWED BY SUE GRAVES, WHO WILL BE FOLLOWED BY SYLVIA OROSCO.

MAYOR WYNN, COUNCILMEMBERS, THANK YOU FOR HEARING ME TODAY. I AGREE WITH SO MANY OF THE COMMENTS THAT HAVE MADE -- BEEN MADE PRIOR TO MY OPPORTUNITY TO SPEAK TO YOU. I SUPPORT THIS AS MOST OF US DO HERE TODAY. I HAVE BEEN INVOLVED IN THE ARTS PROCESS FOR OVER 10 YEARS. ACTUALLY, I STARTED AS A PANELIST AND WORKED ON MANY OF THOSE SUMMER GUIDELINE COMMITTEES AND FINALLY NOW I AM A CONTRACTOR AS I HAVE SEEN NEED IN THE PROCESS. I THINK IT IS A GOOD STRONG PROCESS AS WE GO FORWARD, SO I WOULD SAY YES, LET'S GO AHEAD AND IT'S LIKE ANY NEW VEHICLE THAT YOU'VE GOT OUT THERE. YOU DON'T KNOW HOW THE PERFORMANCE IS GOING TO BE UNTIL YOU TAKE IT OUT FOR A SPIN. SO I THINK WE SHOULD DO THAT. MY FIRST CONCERN THAT I WANTED TO TALK TO YOU ABOUT, THOUGH, IS THERE'S SOME SPECIALTY GROUPS. YOU MAYBE KNOW THEM AS SERVICE ORGANIZATIONS. UNDER THIS NEW PROCESS I THINK IT'S GOING TO BE A CHALLENGE FOR US TO ACTUALLY COMPETE WITH THE MORE PERFORMANCE-BASED CRITERIA. IT'S ONE OF THOSE THINGS WE JUST ADDRESS AND GET UP. BUT I LOOK UP IN THE EVALUATION PROCESS TO SEEING HOW THAT WORKS. ONE OF THE REASONS IT'S SO IMPORTANT FOR THE SPECIALTY OR SERVICE GROUPS TO BE FUNDED BY THE CITY, EVEN THOUGH THEY'RE NOT PERFORMANCE BASED, WE DO HELP THE ORGANIZATIONS, PARTICULARLY THE MID SIZED AND SMALL THAT LEAST CAN AFFORD TO GO OUT AND GET HELP. WE CAN DO THAT FOR THEM IF INDEED WE GET SOME FUNDING FROM THE CITY AND HAVE SOME UNDERWRITING. WE CAN MAKE THE HELP THAT THEY NEED BE BASED, YES, BUT AFFORDABLE. SECONDLY, AS A MEMBER OF THE AD HOC GROUP THAT COOKIE AND LATIFAH HAVE TALKED ABOUT, I WOULD HOPE THAT THERE WOULD

BE IN THIS REVIEW PROCESS THAT HAS BEEN MENTIONED BY VINCENT AND THE OTHERS INDEED AN ACTUAL SANCTIONED REVIEW PANEL OF SOME SORT. IN OTHER ARENAS THEY'RE CALLED BLUE RIBBON PANELS OR COMMISSIONS ON THIS OR THAT, BUT IT'S A PANEL OF -- ACTUALLY IN THIS CASE IT WOULD BE ARTISTS. THE ARTS COMMISSION OR WHATEVER BODY IS APPOINTED TO TAKE ITS PLACE AND STAFF WOULD REALLY GO OVER THE GUIDELINES PIECE BY PIECE. MY THIRD POINT WOULD BE ONCE THE COUNCIL ADOPTS A PROCESS, I AM HOPING THAT INDEED IT CAN BE IMPLEMENTED WITH LIMITED EXCEPTIONS. I WAS LISTENING TO COOKIE'S EXAMPLES WITH INTEREST BECAUSE SOME OF THE EXAMPLES THAT SHE USED, LIKE NUMBER 12, GETTING THE SECOND MOST MONEY, A LOT OF THAT HAPPENS AFTER IT LEAVES THE PANEL. THAT GETS PUT IN PLACE EITHER AT -- [BUZZER SOUNDS] -- THE COUNCIL OR COMMISSION LEVEL. SO THANK YOU FOR THIS COMMUNITY. MY OTHER REMARKS ARE ON THE SHEET. THANK YOU.

Mayor Wynn: THANK YOU. SUE GRAVES, OKAY. YOU WILL BE FOLLOWED BY SYLVIA -- AND ALSO -- SHE ACCIDENT WANT TO SPEAK.

I'M SUE GRAVES, EXECUTIVE DIRECTOR OF ART HOUSE AT 700 CONGRESS AVENUE, ONE OF OUR GREAT LOCATIONS. AND I'M A MEMBER OF THE SOMETIMES MALIGNED ARTS COMMISSION. THE PROBLEM WITH ARTS FUNDING IN AUSTIN, PREVIOUS ARTS FUNDING, IS CLEAR. THE PROCESS WAS NOT FAIR AND IT WAS TOO POLITICALIZED. AND MAYBE IT WAS POLITICIZED BECAUSE IT WAS NOT FAIR. THAT'S IT. THOSE WERE THE PROBLEMS. I BELIEVE THAT THIS NEW PROCESS IS A BRIGHT LIGHT GOING TOWARD THE END OF A VERY LONG TUNNEL. IT'S NOT PERFECT, BUT WITH YOUR APPROVAL, WE WILL NOW HAVE ANOTHER YEAR TO REFINE, REVIEW AND EVALUATE ITS SPECIFIC POINTS AND GO TOWARD AN EVEN BETTER SYSTEM. THIS NEW PLAN IS REALLY A MAJOR STEP FORWARD, AND I RECOMMEND THAT THE COUNCIL ADOPT IT. THANK YOU.

Mayor Wynn: THANK YOU. SYLVIA OROSZRO. TO BE FOLLOWED BY HEART STEARNS.

GOOD AFTERNOON, CITY COUNCIL. I'M THE EXECUTIVE DIRECTOR OF MEXICARTE MUSEUM. IN READING THE CULTURAL ARTS FUNDING PROGRAM GUIDELINES, I HAVE SEVERAL SUGGESTIONS AND COMMENTS. FIRST, I THINK THAT THE CITY OF AUSTIN VISION FOR THE ALL CHURL ARTS STATED IN THE GUIDELINES IS NOT REALLY A VISION FOR ALL OF THE CULTURAL ARTS IN AUSTIN. AND, IN FACT, IT IS A VISION FOR ACTUALLY THE GUIDELINES. A VISION FOR THE CITY IS REALLY -- REALLY TAKES INTO CONSIDERATION ALL THE CULTURAL ARTS PROGRAMS THAT ARE IN THE CITY, WHETHER THEY ARE FUNDED THROUGH THE BED TAX OR WHETHER THEY'RE FUNDED THROUGH THE GENERAL FUND. AND THAT WOULD INCLUDE ARTS IN PUBLIC PLACES, ART CLASSES IN RECREATION CENTERS, PROGRAMS AT CITY MUSEUMS, LIKE ELIZABETH NEY OR GALLERY LIKE THE DAUGHERTY ARTS CENTER. IN ORDER TO DEVELOP A COMPREHENSIVE VISION FOR THE CITY OF AUSTIN, ONE NEED TO TAKE INTO ACCOUNT ALL THE PROGRAMS AND FUNDING. I THINK IT'S A GOOD START, BUT PROBABLY WOULD BE BETTER TO REMAIN THAT THIS IS A VISION OF THE CULTURAL ARTS FUNDING PROGRAM AND NOT THE COMPLETE CITY OF AUSTIN. A COMPREHENSIVE VISION FOR ARTS IN CULTURE IN AUSTIN IS NEEDED AND TO FACILITATE THE CREATION OF POLICIES, PROCEDURES AND GUIDELINES. A HEALTHY COMMUNITY IS MADE UP OF ARTISTS, SMALL ORGANIZATIONS, MID SIZE AND LARGE INSTITUTIONS. SUCH A PROGRAM CONSIDERS THE NEED FOR THE -- THE PRESENT NEED, BUT ALSO UNDERSTANDS THE NEED FOR GROWTH AND MATURITY OF A COMMUNITY. AUSTIN HAS A GROWING ARTS COMMUNITY. UNFORTUNATELY, WE DO NOT HAVE THE GREAT MUSEUMS OR THE PERFORMING ARTS VENUES YET. THAT IS WHY WE MUST RECOGNIZE THE NEED FOR A -- A CONTINUING NEED TO DEVELOP AND TO GROW. IN OUR CASE MEXICARTE MUSEUM IS A MID SIZE ORGANIZATION AND BUDGET, BUT WE DO THE WORK OF A MAJOR ORGANIZATION. BY MANY OTHER DEFINITIONS BESIDES BUDGET WE ARE CONSIDERED A MAJOR INSTITUTION. AND WE WILL CONTINUE TO GROW AND DEVELOP. THE GUIDELINES MUST INCLUDE THE CONCEPT OF GROWING A HEALTHY AND BALANCED ARTS COMMUNITY. THERE IS SOMETHING TOTALLY NEW IN THE SYSTEM THAT IS NOT WRITTEN ANYWHERE IN THE GUIDELINES, WHICH IS THE

FORMULA. HOW IT WILL WORK AND ITS IMPACT. THE IDEA OF A FORMULA IN NEARRY IS TO MAKE THE SYSTEM -- OWE IN THEORY IS TO MAKE THE SYSTEM OBJECTIVE. BUT IT DOESN'T MAKE TAKE INTO ACCOUNT HISTORY OR STRUGGLES OF A COMMUNITY. THE FORMULA IS PROBABLY THE MOST DIFFICULT POINT IN THE NEW SYSTEM, YET IT IS TALKED ABOUT VERY LITTLE. IN THE OLD SYSTEM, WHAT WE WOULD REQUEST, WHAT WE THOUGHT WAS NEEDED, REASONABLE AND APPROPRIATE. IN THE NEW SYSTEM, ONE BEGINS WITH A PERCENTAGE OF A BUDGET, WHICH PUTS A MID SIZE ORGANIZATION AT A DISADVANTAGE TO GET WITH. THIS IS MULTIPLIED BY THE SCORE AND THE AMOUNT OF MONEY AVAILABLE. WE DON'T REALLY KNOW WHAT THIS MEANS, SO SELECTING PERCENTAGES HAS TO BE DONE WISELY AND BY STUDYING ITS EFFECT. [BUZZER SOUNDS] THE OTHER PROBLEM IS THIS IS A PILOT YEAR AND THIS WILL HAVE A TWO-YEAR EFFECT ON THE PROGRAMS. CITIES ARE GREAT BECAUSE INVESTMENTS NEED TO BE MADE WISELY. AND THEY CANNOT BE BASED ON FORMULAS. THEY SAID IT'S BASED ON WISDOM AND UNDERSTANDING THE CITY AND THE COMMUNITY. AUSTIN HAS NOT COMPLETED THEIR TASK IN BUILDING A STRONG ARTS COMMUNIT, THEREFORE THE CITY OF AUSTIN FUNDING ARTS PROGRAM HAS TO BE STRUCTURED TO ENCOURAGE GROWTH AND MATURITY OF OUR INSTITUTIONS AND ARTISTS. THANK YOU.

Mayor Wynn: THANK YOU. HEART STEARNS, WELCOME. YOU WILL BE FOLLOWED BY DANIEL YANIZ.

I'M THE FOUNDER AND DIRECTOR OF ONE WORLD. WE'VE SEEN HALF A MILLION KIDS IN OUR OUTREACH PROGRAM, CALLED KIDS REACH, IT'S A MULTICULTURAL ARTS AND EDUCATION OUTREACH PROGRAM, THE PAST DECADE, AND WE HAVE A MINI PERFORMING ARTS CENTER OUT ON BEE CAVES ROAD AND WE DO MORE PRESENTATIONS THAN THE U.T. PERFORM IS ARTS CENTER DOES. I'VE BEEN PART OF THIS ARTS COALITION, WHICH IS -- ON A VOLUNTARY BASIS, THERE IS AN E-MAIL SENT OUT TO EVERY SINGLE APPLICANT FOR THIS PROCESS TO BE PART OF THE ARTS COALITION TO BE PART OF THESE MEETINGS AND WE'VE BEEN MEETING FOR MANY MONTHS TO TRY TO COME TO SOME CONSENSUS ABOUT HOW WE SHOULD IMPROVE THE PROCESS AND ALL OF THAT. AND I THINK IT'S BEEN REALLY HEALTHY FOR ALL

THE ARTS ORGANIZATIONS TO ATTEND THIS. WHAT MAKE ME A LITTLE NERVOUS IS SOMETIMES WE HEAR SOME THINGS THAT SOMEBODY WHO IS PART OF THIS PROCESS, DOESN'T ATTEND THOSE MEETINGS AND MIGHT BE GOING TO COUNCIL AND SAYING THAT -- I THINK EVERYBODY HAS A RIGHT TO TALK TO COUNCIL, BUT SOMETIMES THE COUNCIL GETS MISREPRESENTED IN THAT THERE'S ONE PERSON SAYING SOMETHING AND THERE'S ACTUALLY 30 PEOPLE BEHIND SOMETHING ELSE, AND MAYBE GETS THE SAME WEIGHT FOR YOU GUYS, THINKING LIKE, OH, THIS IS WHAT EVERYBODY REALLY WANTS. AND THIS PROCESS IS HAPPENING, WHICH IN THE PAST WHEN PEOPLE SAY POLITICIZED THEY THINK THIS IS WHAT PEOPLE ARE REFERRING TO. THEY GO TO COUNCIL OR FRIEND OF SOMEONE ON COUNCIL AND THEY REALLY GET HURT. THE MASS OF PEOPLE WHO ARE APPLICANTS, YOU KNOW, THERE MIGHT BE ONE VOICE. I THINK THE COALITION IS A GOOD EXAMPLE. THERE'S BEEN 10 TO 40 PEOPLE AT EACH ONE OF THESE MEETINGS, AND COOKIE -- AND THE REST OF THESE PEOPLE HERE HAVE BEEN ATTENDING THESE MO MEETINGS AND SO YOU'RE HEARING FROM I THINK -- BACK AND FORTH, DIFFERENT IDEAS AND WE COME TO SOME CONSENSUS. AND SO I JUST -- NUMBER ONE, I THINK IT WOULD BE GOOD SOMEHOW IF WE COME UP WITH A SYSTEM THAT PEOPLE CAN'T KIND OF CIRCUMVENT THIS. PEOPLE WILL ALL BE SORT OF ENTICED TO COME TO COUNCIL AND SAY THIS IS MY PROBLEM, YOU NEED TO SOLVE IT FOR ME. AND COUNCIL THINKING THAT, WELL, THAT'S WHAT ALL THE ARTS GROUPS ARE THINKING. AND TO HAVE SOME WAY OF HAVING A VOICE FROM A CONSENSUS. SO I'M NOT SURE OF HOW TO DO THAT, BUT THAT'S WHAT I'M SEEING AS A PROBLEM IN THE PAST AND MAYBE RIGHT NOW IT'S STILL A PROBLEM. AND THEN TO HAVE SOME FOCUS DPROWPZ THAT ARE TRUE FOE -- GROUPS THAT ARE TRUE FOCUS GROUPS FROM THE COMMUNITY, LIKE REPRESENTATIVES FROM THIS ARTS COALITION OR ANYBODY ELSE THAT'S AN APPLICANT TO REALLY BE ABLE TO HEAR THEIR VOICE AND TO BE ABLE TO COME BACK AND -- BECAUSE THE FOCUS GROUPS BEFORE, THEY WEREN'T FOCUS GROUPS. THEY JUST -- STAFF CAME AND TOLD US SOME THINGS. AND I DON'T REALLY THINK THEY REALLY DID A WHOLE LOT WITH WHAT -- [BUZZER SOUNDS] -- WAS WANTED TO BE SAID FROM THE ARTISTS.

SO I THINK THERE SHOULD BE A PROCESS AFTERWARDS, SOON AFTERWARDS TO HEAR FROM ALL THE APPLICANTS AND HEAR IF THEY THINK THIS PROCESS HAS BEEN FAIR. SO THANK YOU. IF YOU GUYS WOULD LIKE TO SEE JOHN MAIL THIS WEEKEND, I CAN GIVE YOU COMPLIMENTARY TICKETS OR HIROSHIMA TOMORROW NIGHT.

Mayor Wynn: BLATANT. DANIEL, YOU WILL BE FOLLOWED BY SUES SI SUSIE.

THANK YOU. I'M DANIEL AND I AM A PERFORMING ARTIST HERE IN AUSTIN, BEEN HERE FOR A LONG TIME. AND I'M PROBABLY ONE OF THE ACCIDENTING VOICES THAT THE -- DISSENTING VOICES THAT THE GENTLEMAN WAS REFERRING TO. I SENT YOU A LETTER A COUPLE OF WEEKS AGO WHEN I HEARD THAT THE GUIDELINES WERE COMING TO COUNCIL. I TRUST THAT YOU ALL HAVE READ THOSE. THIS THAT I HANDED YOU NOW IS IN ADDITION TO THAT. I HAVE BEEN PART OF THE COALITION. I DON'T AGREE WITH -- I THINK THERE'S SOME THINGS IN THIS DOCUMENT THAT ARE SENDING US BACKWARDS AND SOME THAT ARE GOING FORWARDS. BUT I DO THINK IT'S A GOOD THING. AND IT'S ESPECIALLY A GOOD THING THAT THE CITY OF AUSTIN FINALLY RECOGNIZES THE ECONOMIC VITALITY AND VIABILITY OF THE ARTS COMMUNITY. AND SO THAT IS WHAT BROUGHT ME TO THE TABLE WHEN ALL OF THIS WAS HAPPENING. HOWEVER, THE SYSTEM IS NOT VERY TRANSPARENT. I WOULD HAVE LOVED TO HAVE SEEN MR. KITCH HERE IN THE BEGINNING INSTEAD OF HAVING US GO THROUGH THIS FUNKY EXERCISE WITH THOSE CONSULTANTS, WHICH WAS NOT SO GOOD. SO IF I HAD MY WAY, I WOULD RATHER WE NOT ADOPT THIS. HOWEVER, I KNOW THAT IT'S IMPORTANT, AND MY COLLEAGUES ALSO KNOW THAT IT'S IMPORTANT THAT WE GO FORWARD. SO HAVING SAID THAT, I SUBMIT TO YOU THIS RIGHT HERE. THIS IS AN OPPORTUNITY THAT WE HAVE HERE, LIKE I THINK THE CHRONICLE SAID THIS IS A NEW BEGINNING OR A NEW SLATE. I THINK IT'S ANOTHER CHANCE. I SUGGEST TO YOU RIGHT NOW THAT AS PART OF ADOPTING THIS -- THESE GUIDELINES RIGHT NOW, YOU ALSO ADOPT THE IDEA OF CREATING A TASK GROUP. I SUGGEST TO YOU THAT YOU KEEP THE ARTS COMMISSION IN PLACE AND THAT THE REVIEW EVALUATION PROCESS HAPPEN AT THE ARTS

COMMISSION LEVEL. ALL OF US IN THE COMMUNITY, NOT ONLY INSIDE THE ARTS COMMUNITY, ALSO OUTSIDE THE ARTS COMMUNITY, WE CAN HAVE A CHANCE TO CREATE A GOOD TASK GROUP, A REAL TASK GROUP, LIKE SEVERAL PEOPLE HAVE SAID, WILL COME UP WITH A COMPREHENSIVE PLAN TO SUPPORT THE ARTS IN AUSTIN. EVERY DOLLAR YOU SPEND ON THE ARTS IS MULTIPLIED AT LEAST 10 TIMES AND THAT'S A 15-YEAR-OLD STATISTIC. IT'S PROBABLY MORE BY NOW. SO THAT'S REALLY IT. I HAVE OUTLINED THOSE FIVE STEPS. YOU CAN SEE THEM THERE. KEEP THE ARTS COMMISSION, ORGANIZE A REVIEW COMMITTEE. WHAT ELSE DID I SAY? HAVE CONSENSUS AS ITS GOAL FOR SURE. AND GIVE THE COMMUNITY AN OPPORTUNITY TO -- THROUGH THIS TASK GROUP TO COME TO CONSENSUS WITH STAFF ON A COMPLETED DOCUMENT. THEN AT THE ARTS COMMISSION LEVEL WE CAN HAVE AN OPPORTUNITY FOR REVIEW AND FOR ANY DISSENSION, INCORPORATING THAT, AND THEN, OF COURSE, THEN ALL OF US CAN COME HERE UNITED WITH YOU, WITH MR. KITCH, IN A TRANSPARENT PROCESS. I THINK THAT THIS TRIAL PERIOD IS VERY, VERY IMPORTANT. THANK YOU VERY MUCH. GOOD LUCK. IF YOU HAVE ANY QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM.

Mayor Wynn: THANK YOU, SIR. WELCOME. IS VICKY HERE? HI. YOU'VE OFFERED YOUR TIME TO SUSIE, SO YOU WILL HAVE UP TO SIX MINUTES. WELCOME.

DON'T WORRY, I'M NOT GOING TO TALK FOR SIX MINUTES. I TALKED TO SALLY JAUQUE AND SAID THAT I WOULD READ A STATEMENT FOR HER. SO I'LL READ SALLY'S STATEMENT FIRST. I ALSO BELIEVE SHE E-MAILED THIS TO ALL THE COUNCILMEMBERS THIS MORNING. DEER HONORABLE MAYOR AND COUNCILMEMBERS. THANK YOU FOR ALL OF THE TIME AND ENERGY YOU PUT INTO MAKING POLICY AND DECISIONS FOR OUR COMMUNITY AND CITY. I KNOW YOUR WORK IS OFTEN CHALLENGE AND ADD THE DEMANDS ENORMOUS. SO AGAIN, THANK YOU. UNFORTUNATELY, I CANNOT ATTEND THE COUNCIL MEETING THIS ITEM WHERE ITEM AGENDA NUMBER 43 TO APPROVE A RESOLUTION AUTHORIZING REVISED POLICIES AND PROCEDURES FOR THE CITY'S CULTURAL ARTS PROGRAM IS TO BE DISCUSSED. I WOULD LIKE TO BE THERE, BUT I AM IN THE MIDDLE OF A VERY TIGHT REHEARSAL AND PRODUCTION SCHEDULE

WHERE I WILL BE THIS AFTERNOON. I HAVE ATTENDED MANY OF THE AUSTIN ARTS COALITION MEETINGS OVER THE LAST YEAR OR SO, AS WELL AS BEEN CLOSELY INVOLVED WITH SEVERAL OF THE GROUPS THAT HAVE MET AND WORKED WITH THE DABNEY CONSULTANTS AND THE COMMUNITY TO COME UP WITH GUIDELINES THAT REFLECT THE DIVERSITY AND COMPLEXITY OF THIS INCREDIBLE ARTS COMMUNITY. I HAVE ALSO BEEN A CITY APPLICANT FOR OVER 15 YEARS AS WELL AS SAT ON LOCAL AND OTHER STATE ARTS PANELS. I WOULD LIKE TO URGE YOUR SUPPORT FOR THE NEW CULTURAL FUNDING POLICY. I UNDERSTAND THAT IT WILL -- IT IS A WORK IN PROGRESS, BUT WE HAVE TO START SOMEWHERE. IT IS LIKE MAKING A DANCE, TAKING THE FIRST STEP AND EXPERIENCE WHAT UNFOLDS. AFTER THAT, AS DANCERS, WE ARE INVESTIGATING, EXPERIMENTING, BUT WE ARE MOVING AND SHAPING THE WORK AS WE GO ALONG. THE STAFF AT THE ECONOMIC GROWTH DEPARTMENT HAS MADE IT VERY CLEAR TO US THAT THEY ARE COMMITTED TO A REVIEW PROCESS DURING THE YEAR. AND MANY OF US IN THE ARTS COMMUNITY WILL CONTINUE TO MEET IN FOCUS GROUPS TO CONTINUE THE WORK WE HAVE BEEN ENGAGED IN FOR MANY YEARS. THANK YOU AGAIN FOR YOUR TIME AND CONSIDERATION. RESPECTFULLY, SALLY JAUQUE. NOW, MY NAME IS SUSIE HARRYMAN AND THIS IS MY STATEMENT. I HOPE I'M PREACHING TO THE CHOIR HERE. I SERVE ON THE ARTS COMMISSION AND I'VE BEEN INVOLVED WITH THE AD HOC ARTS COALITION FOR THE PAST YEAR IN TRYING TO MAKE THIS NEW PROCESS A VIABLE ONE. MANY PEOPLE IN THE ARTS COMMUNITY HAVE PARTICIPATED IN THIS GROUP'S MONTHLY DISCUSSIONS OVER THE LAST YEAR AND EVERYONE IN THE ARTS COMMUNITY WAS INVITED TO SIT AT THE TABLE TO GIVE THEIR INPUT. THE GOAL IS THAT FOR THE FIRST TIME IN MANY, MANY YEARS, THE ARTISTS OF AUSTIN COULD FORM A WILLING PARTNERSHIP WITH THE CITY REGARDING BED TAX FUNDING. THE CITY COUNCIL HAS SPENT A GREAT DEAL OF MONEY TRYING TO STREAMLINE THE CULTURAL FUNDING PROGRAM. EXPENSIVE CONSULTANTS WERE HIRED, THE PROGRAM WAS MOVED FROM THE PARKS DEPARTMENT TO THE ECONOMIC GROWTH DEPARTMENT. I MYSELF WAS EMPLOYED ON A TEMPORARY BASIS LAST YEAR TO FACILITATE COMMUNICATION. AND FINALLY IN NOVEMBER, VINCENT

KITCH WAS HIRED TO RUN THE PROGRAM. I AM ASKING YOU TO PLEASE LET MR. KITCH DO THE JOB HE WAS HIRED TO DO. IT'S A DIRECTOR'S POSITION WITH A VERY GOOD DIRECTOR'S SALARY. AND IF HE HAS TO CONTINUALLY INDICATE CATER TO ARTISTS WHO CHOOSE TO CIRCUMVENT THE SYSTEM AND RUN TO COUNCILMEMBERS, THEN HIS HIRING HAS BEEN COMPLETELY USELESS. MR. KITCH HAS WORKED HARD WITH THE ARTS COMMUNITY TO GET A CONSENSUS, ATTENDING THE ARTS COMMISSION AND COALITION MEETINGS, TALKING TO AND MEETING WITH INDIVIDUALS, AND BASICALLY TAKING ON WHAT EVERYONE HAS SAID IS AN IMPOSSIBLE TASK. IF THE CITY COUNCIL ALLOWS SINGLE INDIVIDUALS TO ATTEMPT TO DICTATE THEIR PERSONAL AGENDAS, THEN ALL THE HARD WORK AND ALL THAT MONEY SPENT WILL HAVE BEEN A COMPLETE WASTE AND WE'LL BE BACK WHERE WE STARTED. PLEASE STAND UP TO THE NAYSAYERS AND TELL THEM YOU WANT TO TRY THE NEW CULTURAL FUNDING SYSTEMS WITH FOCUS GROUPS AND FEEDBACK FROM THE COMMUNITY THROUGHOUT THE FIRST YEAR. THE NEW SYSTEM IS FAIR FAIR TO ALL ARTISTS AND SHOULD BE GIVEN A CHANCE TO WORK. I HAVE ONE MORE COMMENT TO TAKE ABOUT SALLY. SHE'S BEEN AN INDIVIDUAL ARTIST IN AUSTIN FOR OVER 20 YEARS. IN THE LAST YEAR SHE HAS BEEN ACTIVELY INVOLVED IN TRYING TO MAKE THE SYSTEM WORK. SHE'S BEEN WORKING FOR THE GOOD OF THE COMMUNITY WITH THE ARTS COALITION. SHE'S IN THE PROCESS RIGHT NOW OF BECOMING A 501(C)(3) ORGANIZATION. INDIVIDUAL ARTISTS IN THIS TOWN WHO THINK THEY SHOULD RECEIVE UPWARDS OF \$25,000 JUST FOR THEMSELVES, SHOULD LOOK TO SALLY AS A FINE EXAMPLE. SHE'S FOLLOWING THE RULES RATHER THAN RUNNING TO FRIENDS ON COUNT TO GET THE MONEY THEY THINK THEY DESERVE. SALLY'S NOT DOING THAT AND I DON'T THINK ANY INDIVIDUAL ARTIST SHOULD DO THAT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. JASON NEWLANDER. YOU WILL HAVE THREE MINUTES.

THANKS. IT'S A PLEASURE TO BE HERE. THANK YOU FOR ALL YOUR HARD WORK LOOKING INTO THIS. VERY CHALLENGING PROCESS THAT WE'VE BEEN GOING THROUGH. IT'S VERY EXCITING TO BE AT THIS HISTORIC MOMENT. AND YOU ARE

PART OF AN IMPORTANT HISTORICAL CHANGE FOR THE CITY AND I COMMEND YOU. AND I THINK ALL OF US COMMEND YOU FOR BEING LEADERS WITH THIS PROCESS TODAY. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

IT'S SO TRUE WHAT SUZY SAID, HE'S GETTING PAID A LOT OF MONEY, WE NEED TO EMPOWER HIM RATHER THAN STAND IN THE WAY OF WHAT HE'S DOING. THE ARTS COALITION HAS COME UP WITH A TIME LINE FOR EVALUATING THE PRODUCT. THAT ALLOWS FOR A PUBLIC DIALOGUE AND EVOLUTION OF THAT PRODUCT IN A TIMELY MANNER. BUT THERE IS NO WAY TO ASSESS THAT. EVEN THE MOST FAIR SYSTEM IS NOT GOING TO PLEASE EVERYBODY. PLEASE DON'T LET SINGLE VOICES STAND IN THE WAY OF WHAT IS BEST FOR THE COMMUNITY AT LARGE. THANK YOU.

THANK YOU. COUNCIL THAT'S ALL OF THE CITIZENS SIGNED UP TO SPEAK ON ITEM 43. COMMENT? QUESTIONS OF STAFF, COUNCILMEMBER ALVAREZ?

Alvarez: A COUPLE OF QUESTIONS FOR STAFF BECAUSE WE'VE HAD A CHANCE, THREE WHOLE WEEKS TO LOOK AT THIS PARTICULAR PROPOSAL, TRY TO DIGEST IT. I KNOW THE ARTS COMMUNITY HASN'T HAD TOO MUCH MORE TIME THAN THAT EITHER, SO I'M AMAZED THAT EVERYONE IS SO EASY TO EMBRACE THIS. MAYBE IT'S BECAUSE I HAVEN'T HAD TWO MONTHS TO LOOK AT IT. I'M A LITTLE MORE HESITANT. JUST TO RUN THROUGH SOME OF THE ISSUES, THAT WE HAVE HAMMERED OUT. WE HAVE DONE SOME CLEANUP ON THE EVALUATION CRITERIA, WHERE THERE WAS DUPLICATION AND MAYBE LACK OF CLARITY, SO THAT HAS BEEN INCORPORATED INTO THE DOCUMENT; IS THAT RIGHT?

YES, IT HAS. I THINK THAT WE HAVE COME TO AN AGREEMENT FOR THIS PARTICULAR ROUND, SINCE IT'S A TRANSITION, THIS COMING YEAR WE WON'T MOVE VERY QUICKLY TO PUT TOGETHER A CULTURAL ARTS ADVISORY BOARD, AT THE SAME TIME WE ARE TRYING TO GET THE PANELISTS ON BOARD TO REVIEW THE APPLICATIONS AND FIGURE OUT THE ALLOCATIONS --

IT CERTAINLY CANNOT HAPPEN IN THAT TIME FRAME. IT

WOULD BE WELL AFTER THE FIRST OF THE YEAR.

Alvarez: FINALLY, I THINK ONE OF THE IMPORTANT THINGS I THINK THAT'S BEEN ALLUDED TO BY SEVERAL SPEAKERS, BY YOURSELF, I THINK, MANY TIMES IS JUST THAT -- HOW MUCH -- HOW MUCH FUNDING IS ALLOCATED IN EACH CATEGORY IS ACTUALLY PROBABLY -- HOW IT WILL AFFECT, YOU KNOW, THE ACTUAL AWARDS FOR THE APPLICANTS AND SO -- AND THAT PARTICULAR DECISION IS GOING TO BE A DECISION OF THE CITY COUNCIL IN TERMS OF -- FOR INSTITUTIONAL X AMOUNT IS ALLOCATED FOR PROJECT-WIDE AMOUNT AND ET CETERA.

WE CAN WORK WITH THE COUNCIL OR WITH THE ARTS COMMISSION. IT'S -- AT THOSE LEVELS, YES.

Alvarez: WHAT IS THE PLAN? I CERTAINLY -- I THINK THAT'S THE KEY DECISION, ASSUMING THAT WE'D LIKE TO HAVE A -- A VOICE OR A ROLE IN THAT DECISION.

COUNCILMEMBER, WE THINK IT'S APPROPRIATE THAT THE COUNCIL MAKE THAT POLICY DECISION. AS WE'VE DISCUSSED BEFORE, YOU HAVE THREE CATEGORIES. THE TWO MAJOR CATEGORIES OF INSTITUTIONAL SUPPORT AND PROJECT SUPPORT AND YOU CAN ALLOCATE A PERCENTAGE OF THE TOTAL AMOUNT OF FUNDING THAT WE HAVE AVAILABLE FOR NEXT YEAR FOR EACH ONE OF THOSE. SO THAT IS CORRECT.

Alvarez: THANK YOU. FINALLY, I THINK THAT I JUST WANTED TO ADDRESS A COUPLE OF THE COMMENTS THAT WERE MADE BECAUSE I THINK THIS HAS BEEN A LONG PROCESS AND A LOT OF INPUT HAS BEEN PROVIDED. AND I THINK IT WAS MOST OF THAT INPUT HAPPENED BEFORE THERE WAS ACTUALLY A DOCUMENT TO EVALUATE AND SO I DO FEEL THAT IT'S SORT OF RUSHED IN THE SENSE THAT THE MOST IMPORTANT DECISION THAT WE ARE MAKING ON WHAT THE ACTUAL PROCESS IS, THE SYSTEM IS, WE'VE ONLY HAD A COUPLE OF MONTHS TO LOOK AT. NOW TWO OR THREE MONTHS TO GO THROUGH THE PANEL REVIEW PROCESS AND FIGURE OUT THE ALLOCATIONS AND DETERMINE WHETHER THIS ACTUALLY IS GOING TO BE FAIR OR NOT. THAT'S -- I THINK FUNDAMENTALLY WHAT -- SOMEWHAT

WEIGHS ON MY MIND. WHAT'S REAL INTERESTING IS WE ARE LOOKING AT THE PARTICULAR IDEA OR -- SYSTEM OR THE IDEA BEHIND THE SYSTEM. I THINK WE ALL AGREE THAT IT'S A GOOD CONCEPT. BUT I HAVEN'T ACTUALLY RAN INTO TOO MANY FOLKS WHO HAVE ACTUALLY LOOKED AT, WELL, HOW IS THAT GOING TO IMPACT THE ARTS ORGANIZATIONS THAT WE WORK WITH. AND SO WE DON'T HAVE SORT OF A SCENARIO WELL, IF WE APPLY THIS NEW SYSTEM TO THE ORGANIZATIONS THAT WE WORK WITH AND WHAT WOULD THE OUTCOME BE? SO -- SO I TRIED DO THAT MYSELF. JUST TO KIND OF GET AN IDEA OF WELL, WHAT IS THE IMPACT AND IS THIS FAIR TO EVERYONE INVOLVED. AND WE IDENTIFIED I THINK ABOUT -- ABOUT 26 ORGANIZATIONS OUT OF THE 185 OR SO THAT IT WOULD MAKE SENSE FOR THEM TO APPLY UNDER INSTITUTIONAL SUPPORT. AND BASED ON THE FORMULA THAT -- THAT HAS BEEN DISCUSSED, ABOUT 17 OF THOSE 26 WOULD GET AN INCREASE AND THE OTHER NINE OF THEM WOULD GET A DECREASE. AND THIS IS ASSUMING - - I GUESS I HAVE TO GIVE MY ASSUMPTIONS HERE. BUT AGAIN BECAUSE MY -- PART OF THE -- YOU KNOW, MY -- PART OF THE CONCERN THAT I HAVE IS THE FORMULA ITSELF. I THINK, YOU KNOW, THAT -- TRYING TO CHANGE THAT AT THIS LATE DATE CERTAINLY KIND OF IS -- WOULD BE CERTAINLY DRAMATIC OR AT THIS PARTICULAR POINT IN TIME. BUT -- BUT BECAUSE IT HAS IN THE EQUATION SORT OF A -- IT FACTORS INTO WHAT THE AMOUNT OF THE REQUESTS ARE, WHICH IS THINK FOR ME IS KIND OF AN ODD THING TO HAVE IN THE EQUATION BECAUSE WE KNOW THAT THAT'S AN ARTIFICIAL NUMBER. IT'S NOT A REAL NUMBER. YOU APPLY FOR A LOT MORE THAN YOU KNOW THAT YOU'LL GET BECAUSE YOU KNOW THAT YOU ARE NOT GOING TO GET THAT AMOUNT OF MONEY, SO THAT'S IN THE EQUATION, IT SEEMS KIND OF ODD TO ME. WHAT I FELT WE WERE MOVING TOWARDS WAS A SYSTEM WHERE THE SCORE THAT YOU GOT WAS ACTUALLY WHAT DROVE WHAT ALLOCATION YOU WERE GOING TO RECEIVE. THE ACTUAL SCORE NOT -- NOT YOU KNOW HOW MUCH IS REQUESTED ABOVE HOW MUCH DO WE ACTUALLY HAVE OR -- OR VICE VERSA. SO THAT'S SOMETHING THAT GIVES ME CAUSE FOR CONCERN. WHAT I ASSUME IS LET'S SAY THAT IF WE LOOK AT THE AMOUNT OF REQUEST, THE AMOUNT OF MONEY, THEN WE HAVE TO BASICALLY FROM THE GET-GO JUST REDUCE EVERYBODY'S

REQUEST BY 60% JUST TO ACCOUNT FOR THAT. SO THIS IS -- SO THEN THIS ASSUMES THAT EVERYONE SCORES 100, EVERYONE'S APPLICATION SCORES 100, AND SO OBVIOUSLY IT'S VERY OPTIMISTIC, UNREALISTIC, I JUST WANTED TO SHOW THE EFFECT OF HAVING THAT COMPONENT ON THE ALLOCATIONS. SO ASSUMING THAT EVERYBODY HAS TO GET 60% BECAUSE WE HAVE THAT MUCH MORE MONEY REQUESTED THAN IS AVAILABLE, THEN IN THE INSTITUTIONAL CATEGORY, 17 OF THE 26 ORGANIZATIONS WOULD GET AN INCREASE, NINE WOULD GET A DECREASE. OF THOSE, THERE'S ONLY TWO MINORITY ORGANIZATIONS AND BOTH OF THOSE WOULD BE IN THE -- IN THE POOL THAT WOULD GET A DECREASE. THEN -- THEN THE NEXT GROUP THAT I WANTED TO LOOK AT WAS -- WAS THE GROUPS THAT HAVE -- THAT GET BETWEEN 25 AND ABOUT \$50,000 BECAUSE IF -- IF THOSE GROUPS AREN'T ABLE TO APPLY UNDER INSTITUTIONAL SUPPORT, THEY HAVE TO APPLY UNDER PROJECT SUPPORT AND SO THEY ARE LIMITED AT \$50,000 FROM THE GET-GO. NOW THOSE, IT'S ABOUT NINE OR 10 GROUPS APPLY WITH THAT ASSUMPTION, YOU KNOW, WITH THE \$50,000 CAP, AND YOU KNOCK THEM DOWN 60,000, 60%, BECAUSE OF THE FORMULA, THEN ALL BUT ONE OF THEM GETS A DECREASE. THAT ONE ACTUALLY JUST STAYS FLAT. SO THEY DON'T GET AN INCREASE OR A DECREASE AND OUT OF THOSE NINE SIX OF THEM ARE MINORITY ORGANIZATIONS. SO -- SO JUST KIND OF LOOKING AT THAT ONE PIECE OF THE EQUATION, KIND OF SUGGESTS THAT THERE WOULD BE MORE OF AN INCREASE ON THE INSTITUTIONAL SIDE THAN ON THE PROJECT SUPPORT SIDE AND ACTUALLY IN THE PROJECT SUPPORT SIDE IT'S ACTUALLY WHERE YOU HAVE THE BULK OF YOUR MINORITY ORGANIZATIONS AND THAT'S WHERE I THINK THAT WE HAVE TALKED A LOT ABOUT DIVERSITY AND THE IMPORTANCE OF THAT IN THAT PROCESS AND SO I REALLY THINK THAT'S AN IMPORTANT THING TO KEEP IN MIND AND -- AND THAT IN EVALUATING WHETHER THIS IS A FAIR SYSTEM OR NOT, WE TRY TO LOOK AT ACTUALLY WHAT THE IMPACT HERE IS GOING TO BE AND NOT JUST HOPE AND PRAY THAT IT TURNS OUT TO BE FAIR. ACTUALLY, ONE OF THE ISSUES I THINK THAT WE -- ONE OF THE WAYS THAT WE HAVE TRIED ADDRESS THAT ALREADY, IN WHICH STAFF HAS CONCURRED, I THINK, IS TO TRY TO RAISE THAT CAP FROM

50,000 TO 75,000, THAT ACTUALLY ALLOWS SOME OF THOSE MEDIUM SIZED GROUPS TO -- TO ACTUALLY GROW A LITTLE BIT OR AT LEAST MAINTAIN THEIR FUNDING. AND PART OF -- PART OF MY RATIONALE IS THAT IN ADOPTING THIS SYSTEM, AGAIN THE SYSTEM ITSELF SHOULD NOT BE CUTTING PEOPLE. I THINK WHAT SHOULD CUT THE PEOPLE OR THE ORGANIZATIONS IS IF -- IF THEY SUBMIT AN APPLICATION AND YOU KNOW WHATEVER SCORE THEY GET, THEN THAT'S WHAT DETERMINES THEIR FUNDING. IT SHOULDN'T BE THAT HERE'S OUR NEW SYSTEM, JUST FROM THE GET-GO WE ALREADY HAVE, YOU KNOW, HOWEVER MANY NUMBER OF ORGANIZATIONS THAT ARE ALREADY GOING TO BE CUT. AND SO -- SO I THINK THAT'S ONE OF THE ATTEMPTS TO TRY TO AT LEAST MAKE SURE THAT AT LEAST EVERYBODY HAS SORT OF A FIGHTING CHANCE TO -- TO TRY TO MAINTAIN THE FUNDING THAT THEY CURRENTLY ACHIEVE AND I THINK THAT IT'S GOING TO BE VERY DIFFICULT UNDER THIS PARTICULAR MODEL THAT WE HAVE. THAN -- FINALLY THE OTHER TWOTWO WAYS THAT I HAVE PUT ON THE TABLE TO TRY TO MAKE SURE THAT WE HAVE SOME FAIRNESS AND THAT WE DON'T HAVE AN OUTCOME THAT'S ENTIRELY SKEWED TO CERTAIN CATEGORY OF FUNDING IS THAT WE -- IS THAT WE WE INCREASE ON THE INSTITUTIONAL SIDE THE AMOUNT THAT CAN BE APPLIED FOR BY AN ORGANIZATION FROM 25% OF THEIR BUDGET TO 35% OF THEIR BUDGET. WE TRY TO LOOK AT IN TERMS OF LIMIT, THE INCREASE THAT ANY ORGANIZATION COULD GET BECAUSE JUST LOOKING AT SOME OF THESE NUMBERS, RUNNING SORT OF MY OWN SCENARIO, IT APPEARS THAT SOME GROUPS COULD GET 40, 50, 60, 70,000-DOLLAR INCREASES WHICH MEANS THERE'S THAT MUCH LESS MONEY TO GO AROUND FOR EVERYONE ELSE AND SO TO ME THAT SEEMED KIND OF PROBLEMATIC THAT WE MIGHT HAVE A SCENARIO WHERE YOU HAVE CERTAIN ORGANIZATIONS THAT GET DRAMATIC INCREASES AND EVERYONE ELSE IS GETTING DECREASES AND THAT DOESN'T -- CERTAINLY DIDN'T SOUND VERY FAIR TO ME AND -- REALLY THAT -- THAT -- THE IDEA OF A CAP WAS SOMETHING THAT I THOUGHT WE SHOULD JUST TRY TO HAVE FOR THIS FIRST YEAR. BECAUSE WE DON'T KNOW WHAT'S GOING TO HAPPEN AFTER WE IMPLEMENT THE SYSTEM. IF WE, DURING OUR EVALUATION THAT EVERYONE WE THINK IS IN AGREEMENT NEEDS TO HAPPEN THIS YEAR,

WE SEE THAT WE DON'T NEED THAT CAP BECAUSE THE SYSTEM IS WORKING WELL, WE CAN JUST LIFT THAT CAP AND LET THE SYSTEM DO ITS JOB, DO ITS WORK AND HOPEFULLY IN HAVING DONE THAT, MAINTAIN THE TRUST OF THE ARTS ORGANIZATIONS AND HOPEFULLY CAN HAVE A GOOD OUTCOME. I THINK THAT'S WHAT WE ARE ALL TRYING TO ACHIEVE OR HOPING FOR IS THAT WE CAN GET THROUGH THIS, IT'S A DECENT OUTCOME THAT WE CAN BUILD ON. BUT I REALLY -- UNLESS WE CAN CHANGE A COUPLE OF THESE THINGS, REALLY DON'T HAVE, YOU KNOW, I REALLY DON'T BELIEVE THAT'S WHAT'S GOING TO HAPPEN. I THINK THAT IT'S GOING TO BE A VERY DIFFICULT AND SORT OF A DAYOT TICK SITUATION WHEN -- CHAOTIC SITUATION WHEN WE ACTUALLY FIND OUT HOW THE ALLOCATIONS ARE FALLING. THOSE ARE A COUPLE OF CHANGES THAT I'LL PROPOSE. I REALLY DON'T KNOW WHETHER THAT'S SOMETHING THAT MY COLLEAGUES AGREE WITH ME OR NOT. I WANTED TO PUT ALL OF THAT ON THE TABLE AND CERTAINLY ALLOW THE COUNCIL TO FURTHER DISCUSS THESE ISSUES.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerley: THANK YOU VERY MUCH. AND I -- I CAN SPEAK FROM EXPERIENCE THAT THE PROCESS WE ARE USING RIGHT NOW TO DO ALLOCATIONS IS NOT FAIR. BECAUSE I DREAMED IT UP. WHAT HAPPENED BACK THEN, WE GOT INTO A SITUATION WHERE WE -- WE HAD SOME PROBLEMS WITH THE EVALUATIONS AND RATING. SO WE ACTUALLY TOOK WHAT WE HAVE GIVEN A GROUP THE YEAR BEFORE AND SAID WE ARE GOING TO TAKE ALL OF THE MONEY THAT WE HAVE, WE ARE GOING TO MAKE A RATIO AND THAT'S THE AMOUNT THAT YOU'RE GOING TO GET. THAT DIDN'T TAKE INTO ACCOUNT WHETHER THEY WERE DOING WELL, WHETHER THEY WERE DOING POORLY, WHETHER THEY WERE TRYING TO GROW, WHETHER THEY WERE TRYING TO DO ANYTHING. SO THAT'S PROBABLY THE MOST UNFAIR PROCESS THAT WE HAVE. I INTO SUPPORT COUNCILMEMBER ALVAREZ'S SUGGESTIONS THAT HAVE BEEN INCLUDED IN THE REVISED DRAFT, BUT I'M AFRAID ON THESE LAST FEW I THINK THAT THEY ARE PROBABLY NOT VERY WISE. BECAUSE WHEN YOU START TRYING TO TINKER WITH THESE FORMULAS, WHEN WE HAVE NOT EVEN FACTORED IN THE RATINGS AND EVALUATIONS, I DON'T THINK ANYONE CAN

SAY WHERE WE WOULD BE. I WOULD MUCH RATHER US GO WITH THE PROCESS THAT'S IN PLACE AND HAVE THIS FEEDBACK FROM THE FOCUS GROUPS AND COMMISSION AS WE DEVOLVE EACH FORMULA, ET CETERA, HANDLE IT IN THAT WAY AND THEN DO THE CONTINUAL IMPROVEMENT. I JUST THINK THERE'S NOT A WAY WE CAN GUESS HOW ANY PARTICULAR GROUP WILL BE AFFECTED BECAUSE THE BIGGEST EFFECT IS HOW MUCH MONEY WE ARE GOING TO HAVE IN TOTAL, WE DON'T NOE THAT FOR SURE, SECONDLY, WE DON'T KNOW WHAT THEIR RATINGS ARE GOING TO BE WITH THEIR PEERS. WITH THOSE TWO BIG DIFFERENCE, I WOULD RATHER GO WITH THE FORMULA THAT THAT THE COMMUNITY, THE COALITION, IN CONJUNCTION WITH THE NEW -- WITH THE NEW DIRECTOR MR. KITCH HAS COME UP, BUT WITH CONTINUAL FEEDBACK, NOT AT THE END OF THE YEAR BUT DURING THE YEAR. SO LISTENING TO -- TO BRUCE AND SOME OF THE OTHERS, I THINK THAT'S PROBABLY THE MOST CRITICAL FACTOR IN THIS IS TO WORK OUT A PROCESS SO AS WE GO THROUGH EACH STEP, YOU HAVE TIME TO EVALUATE IT SAYING IS THIS WORKING, IS THIS FAIR? BECAUSE I THINK FAIRNESS IN THE LONG RUN, CONSIDERING THE SCOPE OF THE WORK THAT YOU DO AND THE QUALITY OF THE WORK THAT YOU DO AND PEOPLE THAT YOU SERVE, THE DIVERSITY ISSUES IS WHAT WE ARE SPEAKING HERE, SO I WOULD HOPE THAT ALL OF YOU WHO HAVE WORKED SO HARDLY CONTINUE TO HELP US REFINE THIS. I'M GOING TO BE SUPPORTING THE STAFF RECOMMENDATION THAT'S INCLUDE THE CHANGES THAT COUNCILMEMBER ALVAREZ HAD -- HAD -- HAD ENTERED EARLIER, BUT NOT THESE PARTICULAR ONES. MAYOR, CAN I --

Thomas: MR. -- CAN YOU ASK -- COULD -- BECAUSE SOME OF THE CONCERNS THAT COUNCILMEMBER ALVAREZ IS BRINGING UP IS VALID AND HOW -- HOW AS FAR AS PARTICIPATION AND HOW DID WE GET OUT TO THE REST OF THE ORGANIZATIONAL GROUPS, DID WE NOTIFY THEM OF THIS TODAY? HOW DID WE DO THAT? DID WE NOTIFY?

ABOUT THE COUNCIL MEETING?

YES.

IT WAS E-MAILED TO THE LIST OF STAKEHOLDERS THAT EVOLVED OVER THE TWO YEAR PROCESS, WHICH INCLUDES ALL OF THE CULTURAL CONTRACTORS, THE FOCUS GROUP PEOPLE AND A LIST THAT WAS ASSEMBLED WELL BEFORE I CAME.

AND ALSO THE LIST OF -- OF THE GROUPS IN THE -- IN THE PROJECT SUPPORT PROGRAM COMMUNITY PROJECTS ALL OF THEM.

ALL [INDISCERNIBLE] CURRENT CONTRACTORS HAVE BEEN UPDATED ON THIS PROCESS THROUGHOUT THE YEAR AND A HALF.

ON THE TWO CONCERNS THAT COUNCILMEMBER ALVAREZ HAS, CAN YOU ELABORATE A LITTLE BIT? YOUR OPINION ON WHAT HE'S SAYING, THE TWO THAT COUNCILMEMBER DUNKERLY IS NOT FAVORABLE OF. THE TWO --

I THINK IT'S IMPORTANT THAT THERE ARE MANY UNKNOWNNS WITH THE FINANCIALS AND THE NUMBERS THAT MAKE IT DIFFICULT TO LOCK ANYTHING IN PLACE. THE CAPS ARE DESIGNED TO SET A -- SET A PARAMETER FOR ORGANIZATIONS. WITHOUT CATCHES, OF COURSE, THE MAJOR INSTITUTIONS COULD LIKELY ASK FOR VERY MUCH MORE. INCREASING THE CAPS DOES ALLOW THE ORGANIZATIONS TO APPLY FOR -- FOR SOMETIME SIGNIFICANTLY MORE THAN THEY HAVE GOTTEN IN THE PAST, BASED ON THEIR PROJECT. I THINK THE POINT THAT THINGS DO CHANGE OVER THE YEARS IS IMPORTANT ONE TO CONSIDER. ALSO THE EXTENSION OF SOME OF THESE REQUESTS FOR SOME OF THE GROUPS IN RELATIONSHIP TO AN IDEA OF CAPPING POTENTIAL GROWTH IS PROBLEMATIC BECAUSE WE ARE SETTING THE POTENTIAL FOR GROUPS TO REQUEST SOMETIMES TWO AND THREE TIMES MORE THAN WHAT THEY ARE GETTING, BUT THEN WE WANT TO PUT A POLICY IN PLACE THAT COULD LIMIT THAT. IT WOULD AGAIN IMPACT THE FORMULA IF WE ARE LOOKING AT ORGANIZATIONS BASED ON HOW MUCH MONEY WE HAVE TO GIVE, VERSUS HOW MUCH THEY'VE ASKED FOR, VERSUS HOW MUCH THEIR SCORE IS. SO WE WOULD HAVE TO TREAT INDIVIDUAL APPLICANTS WITH THOSE CAPS IN PLACE ON GROWTH, DIFFERENTLY THAN WE WOULD EVERYONE ELSE.

SO THAT WOULD -- THAT COULD BE PROBLEMATIC.

Thomas: IN THE FORMULA, AS FAR AS THE MONEY GIVEN, IF WE IMPLEMENTED THIS, HAVE YOU -- I'M SURE THAT YOU HAVE, FIGURED OUT HOW MUCH MONEY WE WOULD NEED IN THE BUDGET FOR THIS PARTICULAR --

WE HAVE NO WAY REALLY TO PREDICT HOW MUCH IS GOING TO BE REQUESTED. WE HAVE TO REMEMBER THIS NEW PROGRAM DOESN'T IMPACT 185 CULTURAL CONTRACTORS. IT'S OPEN FOR THE FIRST TIME IN THREE YEARS, THEY COULD BE A SIGNIFICANTLY LARGER NUMBER THAN 185. AGAIN I THINK THAT IS PROBLEMATIC. IF WE BASE NEXT YEAR'S DECISIONS ON THE CURRENT 185 AND WE HAPPEN TO HAVE 285 APPLICATIONS, THAT COULD ALSO CREATE PROBLEMS AS WE MOVE FORWARD WITH THE FORMULA BASE.

Thomas: OKAY. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. MAYOR PRO TEM?

Goodman: YES, MAYOR, THANK YOU. WE HAVE BEEN WORKING AT THIS FOR SO LONG AND IT'S BEEN PURE TORTURE. SO FOR TODAY I REALLY DO WANT TO GO AHEAD AND DO SOMETHING. BUT I ALSO WANT TO SUPPORT COUNCILMEMBER ALVAREZ'S PROPOSED AMENDMENTS. BECAUSE I THINK THAT OBVIOUSLY AS MANY HAVE POINTED OUT THIS IS NOT THE PERFECT PROCESS. YOU CAN NEVER JUST WRITE UP SOMETHING WITHOUT TRYING IT AND HAVING INVENTED THE PERFECT PROCESS OR AT LEAST IN HISTORY I HAVE NEVER READ ABOUT THAT BEFORE. SO DURING THIS NEXT FUNDING YEAR, PERHAPS THE NEXT, I THINK THAT WE WILL STILL BE WORKING OUT KINKS AND LOOKING AS WHERE THE DISPARITIES LIE BECAUSE THERE ARE INHERENT DISPARITIES, I THINK THAT SOME OF THE GROUPS ARE GOING TO UNDERSTAND THAT INSTANTLY WHEN WE START THIS YEAR. I THINK THAT THE CAPS ARE GOING TO HELP ALLEVIATE THAT A LITTLE BIT. THERE'S ONE PHILOSOPHICAL THING THAT I HAVE BEEN HEARING ABOUT, WHICH IS THAT THERE'S SUPPOSEDLY AN UNDERSTANDING THAT OUR INTENT IS TO GET RID OF THE ARTS COMMISSION I

WANT TO SAY FOR MYSELF THAT WAS NEVER MY INTENT. I CERTAINLY DO THINK THAT THE VALUE OF BOTH NEW AND OLD COMMISSIONERS HAS ADDED TO OUR ABILITY TO MOVE FORWARD ON THIS FINALLY. WHAT THE COMMISSION SHOULD DO, IN MY OPINION, WHICH IS ONE PART OF AN OVERALL INITIATIVE THAT WE ARE WORKING ON WITH THIS, THIS IS ONLY ONE TINY PROCEDURAL AND FINELY DEFINED PART OF WHAT WE ARE WORKING ON, IN BOTH ECONOMIC DEVELOPMENT AND JUST ENHANCING OUR -- OUR CONDITIONS AS A DESTINATION FOR CREATIVE PEOPLE AND HOME TO CREATIVE PEOPLE. THE OVERALL GOAL THAT WE ARE HEADED FOR WILL REQUIRE SOME KIND OF COMMISSION BOTH FOR OUR OWN PROCESS AND TO BE PART OF THE LARGER COMMUNITY GROUP. FOR THAT YOU ARE GOING TO HAVE TO HAVE A LOT OF INPUT, NOT JUST FROM THE ARTS COMMUNITY, BUT THOSE THAT -- THOSE THAT OVERLAP IN INTERESTS, CONSIDERING THE MONEY THAT WE USE ON CULTURAL ARTS FUNDING. SO -- SO WE CALLED IT AT ONE POINT SOMETHING LIKE AN INDEPENDENT COMMUNITY, ARTS AND CREATIVE INDUSTRY COUPLE, OBVIOUSLY WE NEED A SHORTER NAME, BUT WE HAVE TO, IN MY OPINION, KEEP THE CORE, KEEP THE HUB OF WHAT WE HAVE RIGHT NOW. SO I JUST WANTED TO MAKE THAT CLEAR TO ANYBODY THAT -- ALTHOUGH WE ALL GRIPE ABOUT THE THE COMMISSION FROM TIME TO TIME, AND THE COMMISSIONERS AND CERTAINLY THE PANEL AND I WILL KEEP ON GRIPING ABOUT THE PEER PANELS, NOW THAT WE ARE NOT GOING TO DO THAT EXACTLY ANYMORE. BUT I DO WANT TO SAY THAT THE GREAT CONTRIBUTION BROUGHT BY THE ECONOMICS IS NOT ONE TO TOSS OUT. THAT'S THE BABY WITH THE BATH WATER. SO I JUST WANTED TO BE CLEAR FOR ANYBODY WHO THOUGHT THAT WAS PART OF THE GOAL HERE. AND I WANTED TO ASK MR. KITCH A COUPLE OF QUESTIONS ABOUT THE SPECIFICS OF -- OF LANGUAGE AND INTENT. AND WE HAVE SPOKEN ABOUT A COUPLE OF THESE BEFORE I GOT YOUR E-MAIL RESPONSE TO A COUPLE OF THEM, NOT ALL OF THEM, THOUGH. EXPLAIN, IF YOU CAN, IN A NUTSHELL THE ISSUE ABOUT REQUIRING AN INDIVIDUAL ARTIST OF -- NO MATTER OF-- OF WHAT AMOUNT OF -- OF EXPERIENCE, LENGTH OF TIME LIVING HERE, CONTRIBUTIONS OF COMMUNITY, WHATEVER, THE ONE TO ONE MATCH, THE CASH, THE ONE TO ONE CASH

MATCH ISSUE, WHAT WAS THE BASIS FOR AN ABSOLUTE, FOR AN INDIVIDUAL ARTIST WHO WE ARE ASSUMING IS WORKING ON A VERY SMALL PROJECT?

WHEN ALL OF THE PROJECT SUPPORT CATEGORIES, WHETHER IT'S PROJECT SUPPORT FOR ORGANIZATIONS, INDIVIDUALS OR COMMUNITY INITIATIVES, THE MATCHING REQUIREMENT WAS STANDARDIZED AT A ONE TO ONE WITH THE 50% CASH, WHICH IS -- THERE WAS NO RATIONALE THAT SAID NECESSARILY INDIVIDUALS SHOULD HAVE TO HAVE CASH. IT'S SORT OF A GENERAL RATIONALE THAT THE CITY NECESSARILY DOESN'T WANT TO BE THE SOLE FUNDING SOURCE FOR OUR PROJECT. THAT IT SHOULD INVOLVE LEVERAGING OF DOLLARS AND WHILE WE ENABLE THINGS TO HAPPEN, WE DO NOT WANT TO TOTALLY SUBSIDIZE, WHETHER IT'S AN INDIVIDUAL ON A PROJECT. WITH A ONE TO ONE MATCHING REQUIREMENT, BUT WITH 50% IN KIND, THE CITY'S ACTUAL CONTRIBUTION IN THAT FUNDED ACTIVITY COULD STILL REPRESENT ACTUALLY TWO THIRD OF THE TOTAL CASH BUDGET. SO -- SO IT WAS JUST A STANDARDIZATION SO THAT ALL OF THE PROGRAMS HAD A STANDARDIZED MATCHING -- STANDARDIZED MATCHING REQUIREMENT THAT WAS REASONABLE BUT DIDN'T PUT THE CITY IN THE POSITION OF BEING WHOLLY SUBSIDIZED.

Goodman: I THINK THAT'S WHY PEOPLE GET CONFUSED BECAUSE THEY DON'T UNDERSTAND WHAT THE PRACTICAL APPLICATION IS GOING TO BE. CAN YOU PUT THAT INTO THE CONTEXT OF AN EXAMPLE FOR ME. AN ARTIST WITH THE VERY SMALLEST ALLOWED PROPOSAL FOR A PROJECT, SPECIAL PROJECT, REGULAR FUNDING PROCESS, WOULD NEED TO MATCH HOW MUCH?

IF FOR INSTANCE SOMEONE WAS GOING TO ASK THE CITY FOR \$4,000, THEY WOULD HAVE TO HAVE \$2,000 IN CASH AND \$2,000 IN DONATED SERVICE OR IN KIND WHICH COULD REPRESENT ANY NUMBER OF THINGS. SO IT'S ONE ON ONE, 4,000 TO 4,000, SO THE TOTAL PROJECT BUDGET IS \$8,000. THE CITY IS 4,000 IN CASH, THE ARTIST WOULD LEVERAGE THAT WITH 2,000 IN CASH AND 2,000 IN DONATED SERVICES.

Goodman: OKAY. I THINK THAT IS SUCH A COOKIE CUTTER

APPROACH IT DOESN'T SEEM CREATIVE OR ARTISTIC AT ALL, MAYBE THAT'S WHAT'S KIND OF BLOCKING ME. I REALLY HATE TO SEE BUREAUCRACY OVERCOME ARTISTIC MERIT. I THINK ON THE SMALL ARTS, SMALL PROJECTS, INDIVIDUAL ARTISTS, IT'S A LOT OF MONEY TO HAVE IN HAND AND I DON'T EVEN KNOW HOW YOU WOULD MAKE SURE THAT THEY ACTUALLY HAD THE MONEY IF THEY WERE ABLE TO COME UP WITH WAYS TO SAY YES I DO HAVE X IN THE BANK. SO IT'S -- IT'S MORE FORM THAN SUBSTANCE. THE OTHER THING SORT OF RELATIVE TO THAT THAT I WANTED TO ASK YOU ABOUT IS THE SPECIAL PROJECTS. AND THE COMPLETELY ADMINISTRATIVE APPROVAL OF THOSE PROJECTS BECAUSE ALTHOUGH I UNDERSTAND TIME AND -- WELL, JUST SOMETIMES NEEDING TO BE MORE EFFICIENT AND TIMELY THAN -- THAN COMMISSIONERS MEETING CAN PROVIDE, I STILL THINK THAT COMING OFF OF THE EXPERIENCES THAT WE ARE TRYING TO RECTIFY RIGHT NOW, PUTTING THAT TOTAL CONTROL INTO THE HANDS OF ONE PERSON, OR EVEN MORE THAN ONE PERSON IF THEY ARE IN FACT STAFF, WAS -- WAS SOME OF THE TROUBLE THAT WE ARE TRYING TO GET OVER FROM BEFORE. SO -- SO IF YOU COULD, TELL ME WHY -- IF YOU TRUST ONE PERSON, THAT'S FINE, BUT THEY ARE NOT ALWAYS GOING TO BE THE PERSON IN THAT POSITION.

COUNCILMEMBER, WE DON'T HAVE ANY PROBLEM AT ALL WITH HAVING THE COMMISSION DO THE FINAL APPROVAL. JUST ACROSS THE UNITED STATES, WHERE THERE ARE PROGRAMS LIKE THIS, THEY WERE REALLY DESIGNED WITH A SMALL AMOUNT OF MONEY TO MEET THE NEED OF SOMEONE OR SOME SMALL ORGANIZATION WHO SAYS, I HAVE AN OPPORTUNITY TO GO TO SOME -- SOME CONFERENCE THAT'S GOING TO GIVE ME SOMETHING AND I NEED, YOU KNOW, THE APPLICATION FEE AND I DIDN'T BUDGET FOR IT AND IT WAS SOMETHING OUT OF THE ORDINARY. OFTENTIMES THAT HAPPENS VERY QUICKLY. THERE'S NOT A LOT OF TURN AROUND TIME. AND NORMALLY, THAT'S JUST BEEN IN OTHER PROGRAMS A VERY SMALL AMOUNT, WITH AN ADMINISTRATIVE PROCESS AND APPROVAL. HOWEVER, WE DON'T HAVE A PROBLEM GOING TO THE COMMISSION AS LONG AS THE INTENT OF THE PROGRAM WE CAN KEEP GOING SO THAT IT DOESN'T

HAMPER SOMEONE WHO COMES IN AND SAYS, YOU KNOW, I -
- I WOULD LIKE TO GO TO THIS, THE DEADLINE IS NEXT
WEEK, I JUST FOUND OUT, AND IT'S A GOOD THING, WE WANT
THEM TO GO. SO WE ARE TRYING TO SUPPORT THEM. SO
THAT WAS THE ONLY REASON THAT WE SAID WE WOULD
LIKE TO HAVE IT ADMINISTRATIVE. REALLY WE DON'T HAVE A
PROBLEM IF YOU WANT TO SEND IT ON THE ARTS
COMMISSION FOR APPROVAL. I THINK GIVEN THE FACT THAT
THE ARTS COMMISSION REALLY DOES WANT TO SUPPORT
THOSE KINDS OF THINGS THAT THEY MIGHT PUT TOGETHER
A SPECIAL SMALL COMMITTEE TO REVIEW ON A TIMELY
BASIS. MAYBE FOR THEM IT'S A SUBCOMMITTEE. THAT'S ONE
OF THOSE THINGS THAT WE WOULD LEAVE UP TO YOUR
DISCRETION.

Goodman: GREAT. BECAUSE THAT'S EXACTLY WHAT I WAS
THINKING YOU WANT TO BE ABLE TO HAVE A TIMELY REVIEW
AS WELL. I WAS ASSUMING THAT IN THIS DAY AND AGE OF
TECHNOLOGY THAT YOU COULD HAVE A SUBCOMMITTEE
WHO COULD BY E-MAIL AT LEAST CHECK OUT WHAT THE
INFORMATION WAS AND MAY HAVE KNOWLEDGE OF THE
ARTIST AND THE PROJECT OR THE INTENT OF -- OF
OFFERING THAT. BUT SOME KIND OF CLEAR CRITERIA
BECAUSE IT'S REALLY WIDE OPEN AND IT COULD BE A
TOTALLY DIFFERENT THING FROM THE ONE THAT SUE JUST
DESCRIBED. AND STILL FIT WITHIN THOSE BOUNDARIES.
THAT MAKES ME A LITTLE NERVOUS. SO -- SO I HAVE TO
INVENT AN AMENDMENT, DON'T I? TO MATCH THAT. THAT'S
BASICALLY IT FOR ME, MAYOR.

Mayor Wynn: THANK YOU, MAYOR PRO TEM.

Goodman: I'M SORRY, I'M SORRY, I WAS I DON'T WRONG, IS
THERE -- I WAS WRONG. IS THERE ANYWHERE SOME KIND OF
GUIDELINES FOR WHAT THE CRITERIA WILL BE FOR A NON-
PROFIT TO CHOOSE TO SPONSOR OR NOT TO SPONSOR AN
ARTIST?

CAN YOU CLARIFY? I'M UNSURE WHAT YOU ARE ASKING. IS
THE CRITERIA FOR THE TYPE OF NON-PROFIT?

I'M SORRY, WHAT.

YOU TELL ME, I'M SORRY.

Goodman: WELL, I'M LOOKING AT YOUR STUFF ABOUT EVERYBODY HAS TO BE SPONSORED BY A NON-PROFIT.

CORRECT.

Goodman: DO WE HAVE ANY GUIDELINES THAT WE WILL APPLY TO HOW THE NON-PROFITS DECIDE WHAT ARTISTS THEY WILL OR WILL NOT SPONSOR?

NO. THAT WOULD NOT BE WITHIN OUR PURVIEW TO TELL AN ORGANIZATION THEY HAD TO OR DIDN'T HAVE TO. GENERALLY, WE DO A LOT OF SPONSORED PROJECTS RIGHT NOW WHERE INDIVIDUALS GO UNDER THE UMBRELLA OF A SERVICE ORGANIZATION OR A NON-PROFIT GENERALLY THEY WORK WITH SOMEONE THAT THEY ARE WORKING WITH. THE NEW PROGRAM ACTUALLY, BECAUSE WE OPEN TO NON-ARTS ORGANIZATION, IT BROADENS IT, I THINK, FOR ARTISTS. IF THERE'S AN ARTIST WORKING IN THE COMMUNITY, THEY WORK WITH THEIR YMCA OR COMMUNITY CENTER, THEY COULD ACTUALLY PARTNER WITH THAT ORGANIZATION. THEY DON'T HAVE TO FIND AN ARTS BASED ORGANIZATION AS WELL AS IT'S AN ARTS BASED PROJECT. GENERALLY THEY COME HAND IN HAND TOGETHER.

Goodman: WELL, IN A PERFECT WORLD I WOULDN'T WORRY ABOUT THIS. BUT IT'S NOT A PERFECT WORLD AND THERE ARE CLIQUES ALWAYS, ESPECIALLY IN THE ARTS COMMUNITY. WHEN SOMEBODY HAS A PREFERENCE OR A GOAL. THAT MAY NOT BE IN KEEPING WITH SOME ARTIST, MANY ARTISTS MARCH TO THEIR OWN DRUMMER, MAYBE IT DOESN'T FIT WITH X OR Y OR DOES WHICH LEAVES THEM IN THE COLD.

CERTAINLY IN AN ARTIST CAME AND APPROACHED STAFF, I'M LOOKING FOR A SPONSOR, I DON'T HAVE ANYONE, WE WOULD TRY TO HELP THEM MAKE CONNECTIONS INTO A COMMUNITY THAT WE THOUGHT WOULD HELP THEM WITH THAT.

Goodman: WELL, I THINK THIS IS ONE OF THE THINGS THAT WE WILL BE NEEDING TO LOOK AT ALONG WITH THE WAY

WITH REPORTS ON EVERYTHING IS GOING, HE REVISITING WITH ANY AMENDMENTS OR FINE TUNING OR DELETIONS OR ADDITIONS FOR NEXT YEAR.

I WILL SHARE WITH YOU IN ALL OF THE FEEDBACK THAT WE GOT, THIS WAS PRETTY MUCH A, YOU KNOW, ALMOST A 50/50. THERE WERE PEOPLE WHO REALLY WANTED TO BE INDIVIDUAL ARTISTS NOT UMBRELLAD, INDIVIDUAL ARTISTS WHO DID WANT TO BE UMBRELLAD. THERE WERE INDIVIDUAL ARTISTS WHO THOUGHT THAT BEING UMBRELLADED DIDN'T GIVE THEM THE SUPPORT THEY THOUGHT THEY WERE GOING TO GET. SOME ON THE OTHER HAND. I WOULD AGREE WITH YOU THIS IS ONE OF THOSE THAT WE WOULD NEED TO LOOK AT IN THIS COMING YEAR BECAUSE IT WAS -- IN SOME CASES WE GET PREDOMINANTLY, YOU KNOW, 80%, 90% WE WANT TO DO THIS. THIS ONE WAS PRETTY MUCH 50/50. ONE WIN THANK YOU MAYOR PRO TEM, FURTHER COMMENTS, QUESTIONS? IF NOT --

Alvarez: MAYOR.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: GO AHEAD --

Mayor Wynn: IF NOT I'LL ENTERTAIN A MOTION ON ITEM 43. COUNCILMEMBER DUNKERLY?

Dunkerley: I WOULD MOVE APPROVAL OF THE STAFF RECOMMENDATION. [INDISCERNIBLE] -- WITH THE CHANGES THAT HAVE BEEN INCLUDED FROM COUNCILMEMBER ALVAREZ'S FIRST SUGGESTIONS.

Mayor Wynn: CURRENT DRAFT.

Dunkerley: CURRENT DRAFT, YES.

Mayor Wynn: MOTION BY COUNCILMEMBER DUNKERLY TO APPROVE ITEM NO. 43 AS CURRENTLY DRAFTED. SECONDED BY COUNCILMEMBER MCCRACKEN. FURTHER COMMENTS? MAYOR PRO TEM?

Alvarez: GO AHEAD.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: MAYOR, I WOULD LIKE TO OFFER MY AMENDMENTS, I DON'T THINK THAT THEY WILL BE -- I THINK IT'S PRETTY CLEAR THAT THEY ARE NOT FRIENDLY THUS FAR. SO I WILL PROBABLY JUST OFFER THEM AS AMENDMENTS FOR US TO VOTE ON. BUT I WANT TO COME BACK TO A COMMENT, COUNCILMEMBER DUNKERLY MADE ABOUT THAT WE CAN'T PREDICT WHAT THE SYSTEM IS GOING TO DO. AND WHAT I WAS DESCRIBING TO YOU EARLIER IS ACTUALLY PREDICTING THE BEST OUTCOME FOR THE 8 LARGEST MINORITY ORGANIZATIONS IN THIS COMMUNITY. AND THAT IS THAT -- THAT THEY ALL WOULD RECEIVE A CUT EXCEPT FOR ONE AND THAT -- AND THAT -- THAT ENTITY WOULD HAVE AN OPPORTUNITY TO MAINTAIN THEIR FUNDING. AND SO THAT'S -- THAT'S JUST BECAUSE OF THE WAY THE FORMULA IS STRUCTURED. THAT'S NOT EVEN TAKING INTO ACCOUNT THEIR APPLICATION AND EVALUATING AND SCORING IT. SO THIS REALLY MEANS THAT IN ALL LIKELIHOOD, WHAT YOU MIGHT SEE AS A RESULT OF WHAT THE SYSTEM WILL DO, IS THAT EVERYBODY SINGLE MINORITY ORGANIZATION THAT'S IN THESE UPPER, IN THE UPPER TIERERS THAT ARE THE -- TIERS THAT ARE THE MOST ESTABLISHED ARE GOING TO SEE A CUT. I DON'T CARE THAT'S FAIR. I THINK THAT IT'S SOMETHING THAT'S SERIOUS, THAT WE NEED TO ADDRESS, I THINK THAT IT SEND A BAD MESSAGE THAT EVEN THOUGH WE HAVE ALL OF THIS COLORFUL LANGUAGE IN THE CRITERIA ABOUT HOW WE VALUE DIVERSITY, THAT THE SYSTEM THAT WE HAVE ACTUALLY PUT INTO PLACE IS -- ONE OF THE FIRST THINGS THAT IT'S GOING TO DO IS ACTUALLY CUT THE FUNDING FOR ALL -- MOST IF NOT ALL OF THE LARGER OF THE MINORITY ORGANIZATIONS. SO I THINK THAT IT'S FOR THAT REASON IT'S IMPORTANT TO PUT SOME SAFEGUARD TO MAKE SURE THAT ISN'T WHAT HAPPENS. AND THAT EVERYONE HAS A FAIR OPPORTUNITY TO DO WELL AND THAT THEY BE JUDGED ON THE QUALITY OF THEIR PROPOSAL NOT ON THE AMOUNT OF MONEY THAT -- THAT THE APPLICANTS ARE REQUESTING. I THINK THAT'S A BETTER WAY TO DECIDE HOW MUCH MONEY SOMEONE SHOULD GET. IS TO ACTUALLY LOOK AT AND SCORE THEIR APPLICATION. AND SO -- SO WITH THAT, I WOULD OFFER AS

AN AMENDMENT THAT WE INCREASE THE AMOUNT FOR WHICH APPLICANTS IN THE -- IN THE INSTITUTIONAL SUPPORT CATEGORY MAY APPLY FROM -- FROM 25% TO 35% OF UNRESTRICTED REVENUES. AND THAT WE -- THAT WE STIPULATE THAT IN ANY THAT IN THIS COMING YEAR AN ARTS GROUP MAY NOT BE AWARDED A CONTRACT AMOUNT THAT IS MORE THAN [INDISCERNIBLE] 15% GREATER THAN THEIR CURRENT ALLOCATION, I WOULD ALLOW FOR THAT AS A FRIENDLY AMENDMENT.

Dunkerley: I WON'T ACCEPT IT AS A FRIENDLY AMENDMENT, BEFORE I DON'T ACCEPT IT, I WOULD LIKE TO SEE IF THE DIRECTOR WOULD RESPOND TO THAT BECAUSE IT IS NOT MY INTENTION TO -- TO AFFECT THE DIVERSITY OF OUR ARTS GROUPS IN ANY WAY. IT IS TO ALLOW FAIRNESS BASED ON NOT ONLY DIVERSITY, BUT ALSO ON QUALITY OF PERFORMANCE, AS WELL AS THE LIMITS ON OUR FUNDING. SO -- SO WHAT SAFEGUARDS DO YOU SEE TO PREVENT THIS HAPPENING? ISN'T THIS SOMETHING THAT WE WOULD BE REVIEWING AS THESE FORMULAS ARE DEVELOPED? I THINK WE CAN SET UP A WHOLE CATEGORY IF WE WANT TO IN A CERTAIN WAY.

YOU CAN COUNCILMEMBER. FIRST OF ALL, THERE'S NO WAY TO PREDICT NOW OR NEXT YEAR WHAT IS GOING TO HAPPEN TO ANY INDIVIDUAL ORGANIZATION OR INDIVIDUAL ARTIST BECAUSE WE DON'T KNOW THE AMOUNT OF MONEY THAT WE WILL BE RECEIVING AND WE DO NOT KNOW THE NUMBER OF APPLICATIONS THAT WILL BE SUCCESSFUL. THE WAY THAT YOU AS POLICY MAKERS CONTROL THAT IS WHAT WE TALKED ABOUT BEFORE. AND THAT IS LOOKING AT -- AT A CERTAIN PERCENTAGE OF FUNDS GOING TO INSTITUTIONAL SUPPORT AND A CERTAIN PERCENTAGE OF FUNDS GOING TO PROJECT SUPPORT. IF YOU RECALL IN THE PAST THE LARGE ORGANIZATIONS COMPETED WITH THE SMALL ORGANIZATIONS. SO YOU HAD A MIX OF THE ORGANIZATIONS UP AND DOWN COMPETING AGAINST ONE ANOTHER. ONE OF THE MAJOR CHANGES THAT IS BEING RECOMMENDED IS AT LARGE ORGANIZATIONS COMPETE WITH LARGE ORGANIZATIONS AND SMALL ONES WITH THE SMALL AND YOU HAVE AN OPPORTUNITY TO MAKE A CHOICE AS TO WHAT -- MANY OF THE ORGANIZATIONS HAVE AN OPPORTUNITY AS TO WHETHER OR NOT THEY WANT TO

APPLY IN THE INSTITUTIONAL CATEGORY OR IF THEY CHANGE TO PRODUCT CATEGORY WOULD ACTUALLY BE RECEIVING MORE MONEY. SO IF YOU -- IF YOU LOOKED AT IT FROM THE STANDPOINT OF -- OF WHAT EXISTS NOW, THERE WOULD BE LOSSES AND THERE WOULD BE GAINS. BUT THERE IS ABSOLUTELY NO WAY WE CAN PREDICT WHAT THOSE ARE. AS A COUNCIL, AS A POLICY IF YOU WANT TO DECIDE YOU WANT TO PUT 40% OF THE MONEY IN THE LARGE INSTITUTIONAL CATEGORY, AND YOU WANT TO PUT 60% OF THE MONEY IN THE PROJECT SUPPORT, THAT ACTUALLY THEN ALLOWS MORE FUNDING AND YOU CAN SEE WHAT THAT CHANGE IS GOING TO BE. THAT DECISION WILL NOT BE MADE, UNTIL AFTER AS MR. KITCH INDICATED UNTIL THE SCORING HAS BEEN DONE. THE OTHER THING THAT WE DID WAS SEPARATE THE SCORING FROM THE FUNDING, SO YOU CAN SCORE AND THEN LOOK AT THE RELATIONSHIP OF DOLLARS TO EACH ONE OF THOSE CATEGORIES. THAT IS WHAT IS DIFFERENT THIS YEAR THAT HAS NOT OCCURRED IN THE PAST.

SO WE CAN BE ASSURED THAT -- THAT WE ARE NOT ADVERSELY -- YOU COULD SAY IN GENERAL WE WOULD NOT BE ADVERSELY AFFECTING ANY PARTICULAR GROUP. IT WOULD BE THEIR RATINGS COMBINED WITH -- WITH THE DRIVE. THE COUNCIL'S ALLOCATION OF THE NUMBER OF DOLLARS THAT WOULD GO INTO EVERY CATEGORY. IN EFFECT WE COULD ALSO IF WE CHOSE TO MAKE SOME SUBALLOCATIONS THAT WOULD JUST GO TO MINORITY GROUPS IF WE CHOSE TO.

THAT WOULD BE YOUR POLICY DECISION. THAT WOULD BE -- THAT WOULD BE AFTER THE SCORING WAS DONE. SO THEREFORE ONE -- EVERYBODY ON A -- ON THE SAME BASIS IN TERMS OF FAIRNESS BY USING THE SAME FORMULA, THEN YOU CAN LOOK AT APPLYING THE FORMULA ALLOCATION BASED ON YOUR POLICY AT THAT POINT.

Dunkerley: I GUESS MY CONCERN IS THAT -- OR MY -- WE STILL HAVE -- THE COUNCIL STILL HAS CONTROL OF THE TOTAL NUMBER OF DOLLARS THAT GO INTO THESE BROAD CATEGORIES. SO THEREFORE WE DO HAVE I THINK SOME ASSURANCE THAT WE CAN MAKE SURE THIS DOESN'T HAPPEN, THAT COUNCILMEMBER ALVAREZ IS TALKING, THE

UNFAIRNESS. I JUST THINK THAT IT'S TOO EARLY.

YOU'RE CORRECT.

AT THIS POINT TO DEAL WITH THAT LEVEL OF DETAIL. THAT WOULD NEED TO COME BACK TO US I THINK AS WE GOT FURTHER INTO THE PROCESS.

Goodman: MAYOR, DO I MIND IF I SPEAK TO THE PARLIAMENTARIAN PART OF THIS.

Dunkerley: I'M SORRY.

Goodman: I DIDN'T THINK THAT COUNCILMEMBER ALVAREZ WAS OFFERING A FRIENDLY AMENDMENT. THAT'S WHY I SECONDED IT. SO I DON'T KNOW WHAT WE DECIDED ON THAT. BUT I THINK THAT SHOULD DISPARITIES ARISE, THE PRACTICAL APPLICATION WILL BE -- IT -- THAT WE WILL BE BACK IN THE SAME POSITION THAT WE WERE THAT BEGAN THE MOVE TO -- TO MOVE OUT OF THE MORASS. BECAUSE THE ONLY WAY TO GUARANTEE WHAT LOOKS LIKE FAIRNESS AND EQUITY FROM THE DAIS IS POLITICAL. IT CAN'T HELP BUT BE POLITICAL. WHAT I THOUGHT OUR GOAL WAS TO MOVE TOTALLY AWAY FROM THAT. SINCE I THINK THAT COUNCILMEMBER ALVAREZ IS RIGHT IN THAT HE SEES ONE OF THE GLITCHES THAT'S GOING TO COME UP, THAT'S WHY I SUPPORT THE AMENDMENT. AND IF IT'S NOT NEEDED, IT CAN ALWAYS BE AMENDED OUT IN THE FUTURE. BUT I THINK THAT IT'S A SAFEGUARD.

COUNCILMEMBER ALVAREZ.

I DO THINK THAT WHAT MS. EDWARDS WAS SPEAKING TO IS IMPORTANT, HOW MUCH WE ALLOCATE IN EACH CATEGORY. BUT AGAIN I'M TELLING YOU THAT EVEN WITHOUT LOOKING AT THAT, JUST LOOKING AT THE FORMULA AND THE CRITERIA FOR EACH CATEGORY, YOU KNOW WHAT THE LIMIT IS THAT THEY CAN APPLY FOR. WE KNOW THEIR BUDGET. WE KNOW THEY CAN ONLY APPLY FOR 50% OF THEIR BUDGET, WE KNOW WHAT THEY GET NOW F. YOU LOOK AT THOSE THREE THINGS, THAT'S WHAT I'M BASING MY ANALYSIS ON, WE DON'T NEED TO LOOK AT WHAT WE ARE ALLOCATING FOR EACH CATEGORY BECAUSE THE FORMULAS ALREADY

ARE DICTATING THAT THOSE GROUPS WILL EITHER GET A REDUCTION OR ACTUALLY STAY FLAT. THAT'S THE BEST THEY CAN DO. IF THEY GET 100% SCORE ON THEIR APPLICATION. SO THAT'S WHAT THESE TWO CHANGES ARE INTENDED TO -- TO AT LEAST SOFTEN, AT LEAST THE IMPACT, OF WHAT THE SYSTEM WE HAVE, YOU KNOW, OF THE KIND OF IMPACT THAT THE SYSTEM THAT WE HAVE WILL -- WILL --

AGAIN, MY CONCERN IS THIS (DUNKERLY) RIGHT NOW MANY OF THEM APPLY FOR MANY, MANY DOLLARS MORE THAN THEY GET. THEY MAY APPLY FOR 200,000. THEY MAY GET 40,000. I GUESS MY CONCERN OF TRYING TO DO THIS FROM THE DAIS, I THINK MANY TIMES WHEN YOU ARE TRYING TO MAKE A CORRECTION UP HERE TO PROTECT SOMEBODY THE REAL EFFECT IS GOING TO BE JUST THE OPPOSITE. THAT -- THAT YOU ARE GOING TO BE HURTING PEOPLE THAT YOU ARE TRYING TO HELP. I WOULD THINK THE THING TO DO IS TO -- TO LET THE PROCESSING THROUGH, DEVELOP THE FORMULAS, GET FEEDBACK FROM EVERYBODY AND WE DO OUR ALLOCATION, THEY APPLY THEIR FORMULAS AND WE SEE WHAT THE RESULTS ARE. I JUST THINK THAT IF YOU START LIMITING THESE THING, YOU REALLY DON'T KNOW WHAT YOU ARE DOING TO ANY INDIVIDUAL GROUP. AND IT MAY OR MAY NOT HELP.

Mayor Wynn: SO THE AMENDMENT WAS NOT CONSIDERED FRIENDLY BUT WE HAVE A SECOND TO VOTE ON THE AMENDMENT.

Goodman: IF I COULD MAKE ONE MORE QUICK COMMENT, MAYOR. I THINK THAT WE ARE BOTH TRYING TO AVOID THE EXACT SAME THING. YOU THINK OUR WAY IS GOING TO BRING IT BACK UP, WE THINK YOUR WAY IS GOING TO BRING IT BACK UP.

Dunkerley: I THINK IT'S GOING TO GET BROUGHT UP ANYWAY [LAUGHTER]

Mayor Wynn: SO WE HAVE A MOTION TO AMEND THAT'S BEEN MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY THE MAYOR PRO TEM. BROAFL AGAIN COUNCILMEMBER ALVAREZ

THERE'S TWO POINTS TO THE AMENDMENT.

Alvarez: THAT WE INCREASE AMOUNTS FOR THE APPLICANT IN THE INSTITUTIONAL SUPPORT CATEGORY MAY APPLY FROM 25% TO 35% OF UNRESTRICTED REVENUES AND THAT WE INCLUDE A CRITERIA THAT SAYS THAT ANY ARTS GROUP MAY NOT BE AWARDED A CONTRACT AMOUNT FOR THE COMING CYCLE, THAT IS MORE THAN 15% GREATER THAN THEIR CURRENT ALLOCATION.

Mayor Wynn: OKAY. COUNCIL, YOU'VE HEARD --

Alvarez: ONE LAST COMMENT THAT I WILL SAY IS THAT I MEAN I REALLY THINK THAT, YOU KNOW, -- I THINK THAT I MENTIONED IT TO A COUPLE OF COUNCILMEMBERS, THAT THERE'S A LOT OF CONCERN ABOUT THIS CAP AT 15%. BUT WHAT I'M -- AT LEAST WHAT I'M PREDICTING HERE IS THAT AFTER WE GET THROUGH THIS PROCESS, THERE'S -- THERE'S GOOD TO BE -- THERE'S GOING TO BE SO MANY ORGANIZATION THAT'S RECEIVE A REDUCTION IN FUNDING THAT THOSE ARE THE PEOPLE WE ARE GOING TO HEAR FROM. WE ARE NOT GOING TO HEAR FROM THE PEOPLE WHO ARE GETTING THE 15% INCREASE OR MAYBE WE WILL, SAYING THAT THEY WANT TO COME AND GET MORE MONEY, I SUPPOSE, THAT COULD HAPPEN. BUT WHAT I'M TELLING YOU IS THAT -- THAT THE FOLKS WHO GET A REDUCTION ARE ACTUALLY THE ONES WHO AREN'T GOING TO BE HAPPY, NOT THE ONES THAT AREN'T RECEIVING THE 15% INCREASE. SO I MAY BE RIGHT OR WRONG, BUT I THINK THAT -- FOR THAT REASON I DON'T THINK THAT THESE ARE UNREASONABLE SAFEGUARDS, REALLY TO PUT INTO PLACE.

MAYOR, I HAVE A QUESTION?

McCracken: COUNCILMEMBER MCCRACKEN? JUST A CLAIRE CLARIFICATION. IS COUNCILMEMBER ALVAREZ'S AMENDMENT THAT IN NO YEAR INTO PERPETUITY CAN THE ALLOCATION BE 15% MORE THAN THAT GIVEN YEAR'S ALLOCATION OR JUST IN YEAR ONE THAT WE ARE TALKING ABOUT?

Alvarez: I'M JUST TALKING TO USE -- TO IMPLEMENT THIS SAFEGUARD FOR THIS FIRST YEAR BECAUSE AS WE'VE ALL

TALKED ABOUT WE ARE GOING TO GO THROUGH THIS YEAR TO AN EVALUATION PROCESS AND FIGURE OUT HOW WE CAN STRENGTHEN THE SYSTEM. IF PULLING THAT CAP OUT IS HOW WE CAN STRENGTHEN THE SYSTEM, THEN THAT'S GOING TO BE GREAT. BUT -- BUT IF WE -- I'M AFRAID WE ARE GOING TO HAVE A LOT TOUGHER TIME TRYING TO -- TO GRAPPLE WITH THAT OUTCOME THAN WITH HAVING VARIOUS SIMPLY STATED SORT OF SAFEGUARD THAT CAN HOPEFULLY AVOID A LOT OF HEART ACHE.

Slusher: MAYOR?

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: SO, COUNCILMEMBER DUNKERLY, IF YOU -- IF COUNCILMEMBER ALVAREZ'S PREDICTION IS -- COMES TRUE, HOW DO YOU SEE THAT -- DEALING WITH THAT AT THE TIME? I WANT TO MAKE SURE THAT I UNDERSTAND THE DIFFERENT POINTS WHERE WE COULD STEP IN AND SWITCH THE -- THINGS AROUND.

Dunkerley: LET ME TELL YOU WHERE I THINK THAT IS GOING. ANY TIME, IF YOU PUT IN THE 15% CAP THIS YEAR, AND THEN NEXT YEAR AS IT GOES AWAY, YOU ARE IN THE SAME POSITION NEXT YEAR AS YOU ARE THIS YEAR. THERE ARE GOING TO BE PEOPLE COMPLAINING THEY DIDN'T GET ENOUGH OR GOT TOO MUCH OR WHATEVER. I DON'T THINK THIS IS A ONE-TIME FIX. I THINK THAT IT'S GOING TO BE A PROLONGED FIX. I WOULD RATHER NOT HAVE THE CAP THE FIRST YEAR, GET THE FORMULAS IN PLACE, LET THE STAFF AND COMMUNITY SEE IF IT WORKS AND MAKE THAT ADJUSTMENT IN THIS YEAR SO THAT WE DON'T HAVE THE SAME DISCUSSION IN THE FUTURE. IT'S -- IT DOESN'T FIX ANYTHING. IT JUST POSTPONES THE NEXT DISCUSSION ABOUT A CAP. SO THAT'S WHY THIS IS IN FLUX THIS YEAR. I WOULD LIKE TO JUST SEE THE WHOLE PROCESS WORK THROUGH AND SEE IF -- IF THESE FOCUS GROUPS AND THE THE COMMISSION AND STAFF CAN'T COME ONE A CONSENSUS TO BRING TO US, NOT US TELLING THEM, YOU KNOW, WE ARE GOING TO TRY TO FIX THIS, FIX THAT. WHEN WE DON'T KNOW HOW THOSE CHIPS WILL FALL. SO THAT'S MY PROPOSAL.

THANK YOU?

COUNCILMEMBER MCCRACKEN AND THEN THOMAS?

Thomas: MY CONCERN, I DON'T SUPPORT THIS AMENDMENT IS I THINK THAT IT WOULD HAVE THE INTENTIONAL, THE EFFECT OF POLITICIZING THE WHOLE PROCESS. THAT IS WHAT EVERYBODY IN THIS ROOM WORKED SO HARD TO GET AWAY FROM. THE RESULT MAY NOT BE PERFECT. I DO THINK WE NEED TO RESPECT THE HARD WORK THAT EVERYBODY THAT DID THIS. IF YOU PULLED OUT ONE PART OF THE COMPROMISES THAT PEOPLE MAKE, YOU UNRAVEL A LOT OF WHAT THEY GAVE UP IN RETURN FOR THOSE COMPROMISES. I THINK IT WOULD RESULT IN POLITICIZING THE PROCESS AND KNOCK A LEG OUT OF THE STOOL OF WHAT THIS GROUP WORKED HARD TO ACHIEVE. [APPLAUSE]

Mayor Wynn: COUNCILMEMBER THOMAS? THOMAS TOLLS THAT'S A GOOD --

Thomas: THAT'S A GOOD -- I DON'T THINK POLITICIZING ANYTHING THAT WE DEAL WITH HERE UP AL THE -- ALL THE TIME, THAT COMES UP ALL OF THE TIME. WHAT I'M CONCERNED WITH WHAT COUNCILMEMBER ALVAREZ SAID, WE ARE SAYING TO LET THE SYSTEM BE THE SYSTEM AND TRY TO WORK THIS OUT. IF WE COME BACK AND IT DID WORK OUT, WHAT KIND OF -- WHAT'S IN THIS PROCESS THAT COULD BRING US BACK? BECAUSE THE ONE THAT'S MIGHT NOT GOT THE AMOUNT OF MONEY THEY NEED, THE ONES THAT REALLY DIDN'T NEED TO GET MORE, SO WHAT'S THE -- WHAT'S TO SAY WE ARE GOING TO BE BACK HERE AGAIN AND POLITICIZING IS ALWAYS SOMETHING WE GOT TO DEAL WITH EVERY DAY IN OUR LIVES ON THIS COUNCIL. ANYBODY GOT AN ANSWER FOR THAT ONE? CAN I GET A CLAP ON THAT ONE? [LAUGHTER] I THOUGHT I COULDN'T. THIS IS SERIOUS BECAUSE I'VE BEEN ON THIS COUNCIL, WITH COUNCILMEMBER ALVAREZ FOR THE SECOND TERM. THIS IS IMPORTANT AND I REALLY UNDERSTAND IT SEEMS FAIR, BUT HE'S TAKEN A LOT OF TIME HERE, SO I'M JUST -- NO ONE HAS CAME UP TO -- I DON'T EVEN SEE STAFF UP TO ANSWER THAT QUESTION. APPRECIATE YOU, BUT STAFF, THEN I'LL LET YOU COMMENT RIGHT AFTER THAT, SIR. YOU CAN COME

BACK UP.

COUNCILMEMBER, I DIDN'T HEAR ALL OF YOUR COMMENTS.
COULD YOU MAKE YOUR POINT AGAIN PLEASE.

JUST WHAT -- WHAT COUNCILMEMBER MCCRACKEN SAID.
LET THE SYSTEM BE THE SYSTEM. BUT IF WE HAVE A
COMPLAINT, WHAT DO WE HAVE IN THIS NEW CLAUSE THAT
WOULD ANSWER THAT COMPLAINT THAT WHAT
COUNCILMEMBER ALVAREZ IS BRINGING UP ABOUT THE
CAPPING AND ABOUT THE PERCENTAGE?

YOU HAVE THE APPEALS PROCESS BUT I ALSO THINK THAT
YOU HAVE A NUMBER OF PEOPLE WILLING TO WORK
THROUGH THE PROCESS DURING THE YEAR? I HAVE SAID
BEFORE ANY TIME THAT YOU CHANGE A SYSTEM, THERE
ARE GOING TO BE PEOPLE WHO GET MORE AND THERE ARE
GOING TO BE PEOPLE WHO GET LESS. IF YOU LEAVE THE
SYSTEM JUST IMPACTLY LIKE IT IS TODAY, IF YOU OPEN IT
UP FOR -- FOR OTHER APPLICANTS, WHICH I THINK THAT'S
WHAT THE COMMUNITY WANTS AND WHAT YOU WANT, IF
YOU HAVE 500 APPLICANTS COMING IN THIS NEXT YEAR,
EVERYBODY LOSES. SO EVEN IF YOU KEEP A CAP,
EVERYBODY WOULD STILL LOSE.

YES, SIR.

I JUST WANTED TO SPEAK TO THE SECOND PART OF THE
AMENDMENT, THE 15% CAP. WHEN SALVAGE VANGUARD
THEATER WAS EARLY IN ITS HISTORY, WE GREW EXTREMELY
QUICKLY. WE WERE TOLD WHEN WE FIRST STARTED
APPLYING THAT THE KIND OF INCREASES WE WERE ASKING
FOR FROM THE CITY OF AUSTIN COULDN'T HAPPEN BECAUSE
NOBODY EVER HAD THOSE KIND OF INCREASES BEFORE,
BUT THERE WAS NEVER ANOTHER GROUP BEFORE THAT
ACTUALLY WAS GROWING AS QUICKLY AS WE WERE IN OUR
EARLY YEARS, SO THERE WAS NO PRECEDENT FOR AN
INCREASE IN FUNDING TO THE AMOUNT THAT WE WERE
LOOKING FOR, WHICH WAS IN THE PARTICULAR YEAR AN
INCREASE OF \$5,000 TO \$20,000. I TALKED WITH EACH OF THE
PANELISTS ABOUT THIS AND TRIED TO EXPLAIN EXACTLY
THE SITUATION THAT SALVAGE VANGUARD THEATER WAS IN,
WHAT WAS EXTRAORDINARY WAS IN THAT YEAR THE PANEL

ACTUALLY ALLOCATED US 100% OF OUR REQUEST. , THAT 20,000. IT'S ALLOWED US TO HAVE A HUGE IMPACT ON THIS COMMUNITY AND AUSTIN IS KNOWN FOR ITS BEING AN INCUBATOR OF NEW THEATER WORK. IN NO SMALL PART BECAUSE SALVAGE VANGUARD THEATER WAS ALLOWED TO GROW THAT QUICKLY IN ITS EARLY YEARS. BUT PUTTING THE CAP YOU ARE SAYING SO SMALL GROUPS YOU ARE STUCK BEING SMALL. THE 15% INCREASE FOR A SMALL GROUP, I WILL GIVE YOU AN EXAMPLE ACTUALLY, IT'S A NEW GROUPS BECAUSE YOU HAVE GOT THE AUSTIN PLAY HOUSE WHICH I'M SURE ALL OF YOU ARE FAMILIAR WITH DOWN IN PENN FIELD THERE. THEY GOT \$2,000 THE LAST TIME THEY APPLIED FOR CITY FUNDING. \$2,000! THIS IS ONE OF THE MOST IMPORTANT THEATER GROUPS IN TOWN. YOU CAN'T PUT A CAP TO THEIR -- TO THEIR GROWTH LIKE THAT. THEY WERE WORTH WAY MORE TO THE CITY OF AUSTIN. THAN 2,000 -- THAT WOULD BE \$2,300, WHICH FOR THEM WOULD BE A JOKE. THEIR INSURANCE COSTS MORE THAN THAT. THE INSURANCE THAT YOU ALL REQUIRE THEM TO BUY IN ORDER TO GET THE CONTRACT FROM THE CITY. I JUST WANTED TO SPEAK TO THAT, YOU ALL OUT THERE DON'T HAVE THE EXPERTISE THAT WE HAVE AS APPLICANTS BEING IN THIS PROCESS, KNOWING WHAT IT'S LIKE TO HAVE TO WORK WITHIN THE RESTRICTIONS THAT YOU ALL PUT ON IT. THAT'S WHY I STRONGLY RECOMMEND THAT YOU NOT VOTE FOR THAT AMENDMENT. THANK YOU.

Thomas: I THINK THE MAYOR WANTS TO GET THIS ON.

Mayor Wynn: IF A COUNCILMEMBER HAS A SPECIFIC QUESTION AFTER PERSON IN THE AUDIENCE WHO HAS ADDRESSED US, WE WILL CERTAINLY RESPECT THAT BUT --

Thomas: I FORGOT YOUR NAME.

ART, CAN YOU ANSWER THAT?

I JUST WANTED TO AGREE WITH HIM BECAUSE WHEN I FIRST APPLIED TO THE CITY, AS AN INDIVIDUAL BEFORE WE FORMED A 501 C 3, I GOT \$3,000 THE FIRST YEAR, OKAY. THE SECOND YEAR I MADE THIS HUGE PROPOSAL AND WE GOT LIKE \$18,000 THE SECOND YEAR. ALL RIGHT. ONE WORLD THEATER MIGHT NOT EVEN EXIST IF IT WASN'T FOR THIS

ALLOWING FOR THAT TO HAPPEN. NOW WE ARE PRESENTING MORE, YOU KNOW, PRESENTATIONS IN U.T. PERFORMING ARTS CENTER. AND THERE'S SOME INDIVIDUALS, YOU KNOW, ARTISTS THAT ARE GETTING -- THAT ARE GETTING MORE THAN WE ARE AND YOU KNOW WE ARE PRODUCING OVER THERE, IT'S AMAZING, BUT WE ARE STUCK, YOU KNOW, IF YOU -- LIKE WE CAN'T GET MORE THAN THAT, IT DOESN'T ALLOW EVEN US TO GROW. THERE'S A BIG INEQUITY FOR ME, I'M NOT HERE TO COMPLAIN ABOUT HOW MUCH WE ARE GETTING. BUT I THINK IT SHOULD BE LET THE CHIPS -- WHEREVER THEY FALL, THERE REALLY HAS BEEN A LOT OF INEQUITY IN THE PAST ABOUT -- THIS WILL ALLOW THAT EQUALITY TO HAPPEN. IF YOU -- BUT IF YOU PUT THAT CAP, FORGET ABOUT IT. IT JUST WON'T HAPPEN. SO -- I THINK YOU TALKED TO ALMOST EVERYBODY IN THIS ARTS COALITION THAT HAVE BEEN MAKING THESE MEETINGS, I WOULD SAY WILL 0% -- 80%, 90% WILL AGREE WITH THAT. THAT'S MY OPINION.

Thomas: THANK YOU.

Mayor Wynn: WIN FURTHER COMMENTS?

Alvarez: I WOULD SAY WAIT AND SEE HOW THE ALLOCATIONS PLAY OUT, SEE WHAT PERCENTAGE FEEL WHICH WAY. BECAUSE AGAIN I THINK AGAIN THIS IS INTENDED AS A SAFEGUARD BECAUSE WE'VE THERE A VERY CONTENTION SHOWS, THE LAST TIME WE WENT THROUGH THIS IT WAS VERY, VERY CONTENTIOUS, WHAT HAPPENS AFTER THIS CYCLE IS THAT WE HAVE THAT SAME LEVEL OF CONTENTIOUSNESS, WHAT HAVE WE GAINED BY GOING THROUGH THESE LAST TWO YEARS OF PLANNING. THIS IS INTENDED TO TRY TO PUT A SAFEGUARD SO THAT WE HAVE HOPEFULLY AN OUTCOME THAT EVERYBODY AT LEAST CAN AGREE IS FAIR. AND THEN AGAIN IF WE NEED TO CHANGE THAT GUIDELINE, YOU KNOW, I'LL BE THE FIRST ONE TO SAY LET'S CHANGE IT. FIRST LET'S SEE WHAT IS THIS NEW SYSTEM, HOW IS IT GOING TO IMPACT OUR ALLOCATIONS BECAUSE WE REALLY DON'T KNOW. AND AFTER WE GO THROUGH THE PROCESS MAYBE TOO LATE, MAYBE TOO PAINFUL TO TRY TO STEP IN AND TRY TO FIX IT. SO -- THAT WILL MY FINAL COMMENTS.

Mayor Wynn: COUNCIL, WE HAVE A MAIN MOTION ON THE TABLE, WHICH MADE BY COUNCILMEMBER DUNKERLY SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE ITEM NO. 43, THE CULTURAL ARTS FUNDING PROGRAMS GUIDELINES AS DRAFTED AND APPRECIATED TO US TODAY. AND NOW WE HAVE A -- A MOTION TO AMEND BY COUNCILMEMBER ALVAREZ AND SECONDED BY MAYOR PRO TEM GOODMAN. SO THAT WILL BE OUR FIRST VOTE ON THE MOTION TO AMEND. FURTHER COMMENTS? HEARING NONE ALL OF THOSE IN FAVOR OF THE AMENDMENT SAY AYE.

AYE.

OPPOSED.

NO.

Mayor Wynn: MOTION TO AMEND FAILS ON A VOTE OF 3-4. WITH COUNCILMEMBERS THOMAS -- I'M SORRY, COUNCILMEMBERS MCCRACKEN, DUNKERLY, SLUSHER AND THE MAYOR VOTING NAY. THAT TAKES US ABOUT A BEING TO THE MAIN MOTION TO APPROVE --

Goodman: MAYOR, I HAVE AN AMENDMENT. I THINK MINE MAY BE FRIENDLY.

Dunkerley: OKAY.

Goodman: THAT IS FOR THE ARTS COMMISSION AND STAFF TO CRAFT AN APPROVAL PROCESS FOR A SPECIAL PROJECT -- FOR SPECIAL PROJECT THAT'S CAN ACCOMMODATE SHORT TIME FRAMES OR OTHER CONSTRAINTS. WE HAVE TECHNOLOGY THAT MAY BE A HELP IN THAT. AND I WILL LEAVE IT UP TO THEM. BUT THAT THE AMENDMENT WOULD BE THAT A PROCESS BE CRAFTED FOR A STAFF RECOMMENDATION TO GO BEFORE THE COMMISSION.

Dunkerley: THAT IS FRIENDLY.

Goodman: OR A COMMITTEE.

Mayor Wynn: MOTION ACCEPTED BY BOTH THE MAKER AND THE SECOND. FURTHER COMMENTS? HEARING NONE, ALL

OF THOSE IN FAVOR OF THE MAIN MOTION SAY AYE.

AYE.

OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 6-1 WITH COUNCILMEMBER ALVAREZ VOTING NO. THANK YOU ALL VERY MUCH. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: ORK, THANKS EVERYBODY FOR THEIR PATIENCE. WE'LL NOW TAKE UP THE ZONING HEARINGS AND APPROVAL OF ORDINANCES. GOOD EVENING.

GOOD AFTERNOON. ALICE GLASGO, DIRECTOR OF NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. OUR ZONING CASES TODAY ARE AS FOLLOWS: ITEM 44 WILL BE A DISCUSSION ITEM. ITEM NUMBER 45, CASE C-14-H-03-002. THIS CASE IS READY FOR SECOND AND THIRD READING FOR PROPERTY LOCATED AT 3403 AND 3407 HAMPTON ROAD. THE CHANGE IN ZONING IS FROM SINGLE-FAMILY 3 TO SINGLE-FAMILY 2 2 WITH A CONDITIONAL OVERLAY. ITEM 46, C-14-03-137. THIS CASE IS LOCATED AT 500 EAST BEN WHITE BOULEVARD. THE APPLICANT IS REQUESTING A POSTPONEMENT TO APRIL THE 22nd AND THE NEIGHBORHOOD ASSOCIATION CONCURS WITH THAT REQUEST. ITEM NUMBER 47, CASE C-14-03-120, NAMELY THE CENTRUM REZONING. LOCATED ON NORTH HILLS DRIVE, HART LANE AND MOPAC EXPRESSWAY NORTH. THE APPLICANT IS REQUESTING A POSTPONEMENT TO MAY THE 6TH. ITEM NUMBER 48, CASE C-14-03-167, GUADALUPE STREET LOFTS. THIS CASE IS LOCATED AT 4525 GUADALUPE STREET. THE CHANGE IN ZONING IS FOR -- IS FROM CS DISTRICT TO GR-MU-CO. THIS CASE IS READY FOR SECOND AND THIRD READING. THE NEIGHBORHOOD ASSOCIATION AND THE DEVELOPER HAVE AGREED TO THE FOLLOWING CONDITIONS: ONE, IS TO PROVIDE A SOLID FENCE THAT IS TO BE CONSTRUCTED IN THE FRONT YARD WHICH MAY NOT EXCEED FOUR FEET IN HEIGHT. THE PARKING REQUIREMENTS FOR A MULTI-FAMILY RESIDENTIAL USE

THAT CONTAINS TWO OR MORE BEDROOMS IS ONE SPACE PER BEDROOM. THE FOLLOWING USES ARE PROHIBITED: AUTO SALES, BED AND BREAKFAST 1 AND 2, OUTDOOR ENTERTAINMENT, PLANT NURSERY, CUSTOM MANUFACTURING, URBAN FARM, CLUB, COLLEGE AND UNIVERSITY FACILITIES, COUNSELING SERVICES, GUIDANCE SERVICES, HOSPITAL GENERAL AND GROUP RESIDENTIAL. WITH THOSE CONDITIONS READ INTO THE RECORD, THIS CASE IS READY FOR SECOND AND THIRD READING. ITEM NUMBER 49, CASE C-14-03-165, THE STAFF IS REQUESTING A POSTPONEMENT TO APRIL THE 22nd TO CONTINUE WORKING WITH THE APPLICANT ON THIS CASE. ITEM NUMBER 50 IS DISCUSSION. SO IS 51. AND THIS CONCLUDES ALL THE CONSENT ITEMS UNDER THE SECOND AND THIRD READING SECTION.

Mayor Wynn: THANK YOU, MS. GLASGO. WE'LL JUST CONFIRM THAT IN FACT COUNCILMEMBER DUNKERLEY ASKED THAT ITEM 44 BE ON SECOND READING ONLY. SO WITHOUT OBJECTION -- 45.

Dunkerley: 45.

Mayor Wynn: SECOND READING ONLY. SO WITH THAT, COUNCIL, THE CONSENT AGENDA WILL BE ITEM NUMBER 45 ON SECOND READING ONLY. ITEM NUMBER 46 46 POSTPONED TO APRIL 22nd, 2004, ITEM 47 POSTPONED TO MAY 6TH, 2004, ITEM 48 APPROVED ON SECOND AND THIRD READINGS WITH CONDITIONS AGREED TO AS READ BY MS. GLASGO. ITEM 49 POSTPONED TO APRIL 22nd. , 2004. I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA. MOTION MADE BY THE MAYOR PRO TEM. SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE THE CONSENT AGENDA AS READ. FURTHER DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

NOW WE PROCEED TO THE -- THOSE ZONING CASES THAT ARE ON FOR THE FIRST TIME, PUBLIC HEARINGS, THE Z

ITEMS, STARTING OFF WITH ITEM NUMBER Z 1, NAMELY THE JACK BROWN CLEANERS, LOCATED AT 11521620 NORTH. THE EXISTING ZONING IS GR-CO, WHICH STANDS FOR COMMUNITY COMMERCIAL CONDITIONAL OVERLAY. THE APPLICANT IS SEEKING A CHANGE TO GR-CO. THE APPLICANT IS SEEKING A CHANGE TO CS, WHICH STANDS FOR GENERAL COMMERCIAL SERVICES. THE ZONING AND PLATTING COMMISSION RECOMMEND IS TO GRANT CS ZONING AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER SCOOVMENT 213802 RESEARCH BOULEVARD. THE CASE IS IN FOR A CHANGE FROM INTERIM RURAL RESIDENTIAL AND LR TO GR-CO. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT GR-CO. THIS CASE IS READY FOR THREE READINGS. AND IT'S JUST GR, STRAIGHT GR. THERE'S NO CONDITIONAL OVERLAY ON ITEM NUMBER Z-2. BUT IT IS READY FOR ALL THREE READINGS UNDER THE GR ZONING DISTRICT. ITEM NUMBER Z-3, C-14-04-029. THIS CASE IS LOCATED ON SOUTH FIRST STREET. THE CHANGE IN ZONING IS FROM LO-CO, LIMITED OFFICE, CONDITIONAL OVERLAY, TO GO. THIS CASE IS READY FOR ALL THREE READINGS WITH GO-CO AND RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. ITEM Z-4, C-14-03-187. THIS CASE IS LOCATED AT 7411 OL BEE CAVES ROAD. THE CHANGE IN ZONING IS FROM RURAL RESIDENTIAL TO LO-MU, WHICH STANDS FOR LIMITED OFFICE, MIXED USE. THE PLANNING COMMISSION -- ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT LO-MU-CO. THIS CASE IS READY FOR ALL THREE READINGS; HOWEVER, THE APPLICANT HAS NOT PROVIDED AN IPM, INTEGRATED PEST MANAGEMENT PROGRAM. IF COUNCIL WERE TO REQUIRE THAT, THEN THE CASE WOULD BE READY FOR FIRST READING ONLY. SO IF IT IS COUNCIL'S DESIRE TO APPROVE THE CASE WITHOUT AN INTEGRATED PEST MANAGEMENT PLAN, THE CASE WOULD BE READY FOR ALL THREE READINGS; HOWEVER, IF IT IS YOUR DESIRE TO REQUIRE THAT THAT PROGRAM BE PROVIDED, THEN WE NEED TO APPROVE THIS ONE FOR FIRST READING ONLY.

Slusher: MAYOR, YEAH, I WANT TO TAKE THAT TO FIRST READING FOR THAT PURPOSE THAT MS. GLASGO JUST STATED.

Mayor Wynn: AGREED. MAYOR, THAT CONCLUDES THE ITEMS

FOR 4:00 O'CLOCK.

Mayor Wynn: COUNCIL, THE CONSENT AGENDA THEN FOR OUR Z ZONING CASES WILL BE ITEM Z-1 ON ALL THREE READINGS. Z 2 ON ALL THREE READINGS. Z-3 ON ALL THREE READINGS. AND Z-4 ON FIRST READING ONLY.

Slusher: MAYOR, I HAVE A QUESTION ON Z-1. MS. GLASGO, I THINK THE STATE HAS SOME REGULATIONS ABOUT THIS, BUT THIS IS AN ON SITE DRY CLEANERS IN THE BULL CREEK WATERSHED. WHAT KIND OF SAFEGUARDS DO WE HAVE ABOUT THE CHEMICALS THEY WOULD BE USING?

WELL, I KNOW THAT WE HAVE A HAZMAT DIVISION AT THE CITY THAT WOULD LOOK AT THAT AT THE TIME OF DEVELOPMENT, BUT I DON'T KNOW WHAT THE STATE REQUIREMENTS ARE FOR DRY CLEANING.

Slusher: OKAY. LET ME PUT THAT ONE ON FIRST READING TOO SO I CAN TAKE A CLOSER LOOK AT THAT.

Mayor Wynn: ITEM Z-12?

SO YOU NEED FOR US TO FIND OUT WHAT THE REQUIREMENTS OF CITY AND STATE LOOK LIKE?

Slusher: BECAUSE THIS IS IN THE DRINKING WATER SUPPLY WATERSHED.

WE'LL DO THAT.

Slusher: THANK YOU.

Mayor Wynn: COUNCIL, JUST TO CONFIRM, WE HAVE NO CITIZENS SIGNED UP ON ANY OF THE FOUR PUBLIC HEARINGS. SO COUNCIL, THEN WITH THAT AMENDMENT OR SUGGESTION, THE CONSENT AGENDA WILL BE ITEM Z-1 ON FIRST READING ONLY, Z-2 AND Z-3 ON ALL THREE READINGS, AND Z-4 ON FIRST READING ONLY. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA. AND TO CLOSE THE PUBLIC HEARING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE

SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MS. GLASGO. MS. GLASGO, NOTING THAT WE HAVE ABOUT 20 MINUTES BEFORE WE BREAK FOR OUR LIVE MUSIC AND PROCLAMATION PORTION OF THE MEETING, DO YOU HAVE A SUGGESTION AS TO PERHAPS THE DISCUSSION ITEM SEQUENCE?

THE QUICKEST ONE WOULD PROBABLY BE ITEM NUMBER 50, THE BRENT HOOD HIGHLAND AND NEIGHBORHOOD PLANS. YOU HAVE A TRACT WHERE THE OWNER IS REQUESTING A POSTPONEMENT. STAFF WAS GOING TO WALK YOU THROUGH THE ORDINANCE. IT SHOULD BE COMPLETED BY THE TIME 5:30 ARRIVES.

Mayor Wynn: HMM.

YOU'RE SKEPTICAL.

Mayor Wynn: LET'S TAKE UP ITEM NUMBER 50.

THAT WAS MY UNDERSTANDING, THAT IT WOULD BE FAIRLY QUICK.

I CAN'T FIND MY MICROPHONE. THERE IT IS. DOES THIS INCLUDE AGENDA ITEM 44, THE PLAN?

NO. THIS IS 50. TWO DIFFERENT PLANS. 44 IS THE BRENTWOOD HIGHLAND.

THANK YOU.

YOU'RE WELCOME. YOU'VE GOT TO REMEMBER THAT, WE HAVE TWO SEPARATE PLANS TODAY.

I'M SCOTT WHITEMAN FROM THE NEIGHBORHOOD PLANNING DEPARTMENT. ITEM 50 ARE THE TWO REMAINING TRACTS FROM THE CRESTVIEW, WOO 10 NEIGHBORHOOD PLAN. TRACT 23, WHICH IS CONTINENTAL COLLISION. THE OWNER IS REQUESTING A POSTPONEMENT TO MAY 6TH SO THAT

THEY CAN CONTINUE TO WORK IN AGREEMENT WITH THE ADJACENT CONDOMINIUM ASSOCIATION. AND COUNCIL MAY WANT TO VOTE ON THAT ONE SEPARATELY SO THAT THOSE PEOPLE CAN GO HOME. FOR TRACTS 160, WHICH IS THE HUNTSMAN PETROCHEMICAL TRACT, A FEW CHANGES FROM SECOND READING. FIRST, THE OWNER HAS AGREED TO DIVIDE TRACT 160-B, WHICH IS THE TRACT WITH THE BALL FIELDS ON IT, INTO TWO TRACTS, TRACT 160-B-1 AND 160-B-2. TRACT B-1, WHICH IS THE SOUTHEASTERN PORTIONS OF THAT TRACT, COULD MAINTAIN THE REGULATIONS THAT WERE ADOPTED ON SECOND READING. TRACT 160-B-2, THE ONLY USES THAT WOULD BE ALLOWED ARE COMMUNITY RECREATION AND PARK AND RECREATION SERVICES. THAT TRACT 160-B-2, IS ABOUT 10.2 ACRES AND IT'S ABOUT 80% OF THE TOTAL TRACT 160-B. UNDER THE PDA, WHICH IS PART 7 OF THE ORDINANCE, IN SUBSECTION 3, THREE USES WERE ADDED, TWO FAMILY RESIDENTIAL, CONDOMINIUM RESIDENTIAL AND FAMILY HOME. AND SUBSECTION 7 ALSO HAD ACCESSORY PARKING WAS DELETED AS A CONDITIONAL USE. AND THE OWNER IS NO LONGER REQUESTING THAT THE REQUIRED OPEN SPACE BE CREDITED TOWARDS THEIR PARKLAND DEDICATION REQUIREMENTS, SO THE LANGUAGE IN NUMBER 23 WAS ADDED, WHICH CLARIFIES THAT THE EXISTING CODES AND PARK POLICIES WOULD APPLY TO PARKLAND DEDICATION. THAT CONCLUDES THE CHANGES FROM SECOND READING. I CAN ANSWER ANY QUESTIONS FROM THE COUNCIL.

Mayor Wynn: SO MR. WHITEMAN, HELP ME AGAIN. THE TRACT THAT IS -- SOMEBODY IS REQUESTING A POSTPONEMENT ON?

TRACT 123. COUNCIL CAN VOTE TO POSTPONE ACTION ON TRACT 123 AND THEN MOVE ON TO TRACT 160.

Mayor Wynn: WHO IS REQUESTING THE POSTPONEMENT?

OANTER IS REQUESTING THE POSTPONEMENT, BUT THE ADJACENT CONDOMINIUM ASSOCIATION AGREES WITH THAT.

Mayor Wynn: OKAY. WELL, COUNCIL, I'LL CERTAINLY ENTERTAIN A MOTION ON -- REGARDING ITEM NUMBER 50,

TRACT 123, REQUEST A POSTPONEMENT.

Thomas: SO MOVE ON THE POSTPONEMENT.

Mayor Wynn: MOTION BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER MCCRACKEN TO POSTPONE ACTION ON TRACT 123. FURTHER DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. QUESTIONS OF STAFF, COMMENTS, COUNCIL? OF COURSE, WE'VE CLOSED OUR PUBLIC HEARING. A NUMBER OF CITIZENS HAVE SIGNED CARDS AND ARE CERTAINLY AVAILABLE TO ANSWER QUESTIONS IF WE HAVE THEM.

McCracken: MAYOR, I CAN A QUESTION, ACTUALLY. THIS IS ON 160-B-2, IS THAT RIGHT? THAT'S AT THE FRONT OF THIS?

YES.

McCracken: MY UNDERSTANDING IS THAT THERE WAS GOING TO BE SOME REQUEST FOR PARKLAND DEDICATION CREDIT AS OPPOSED TO NO REQUEST. AND I GUESS I WANT TO MAKE SURE THAT THERE'S NOT SOME CONFUSION ON THAT.

THE REPRESENTATIVES FROM HUNTSMAN ARE HERE WHO CAN ANSWER THAT, BUT THEY DID AGREE NOT TO -- THEY'RE NOT GOING TO PURSUE THAT CREDIT AT THIS TIME. AT SUBDIVISION, THAT'S WHERE THIS IS NORMALLY TAKEN CARE OF. MCI THINK WE HAVE A DIFFERENT UNDERSTANDING.

Dunkerley: CAN I SAY SOMETHING? THIS PARTICULAR TRACT OF LAND -- AND MAYBE YOU ALL CAN CORRECT ME IF I'M WRONG. IT HAS BEEN USED FOR RECREATIONAL PURPOSES OVER 55 YEARS. AND THERE IS ANOTHER 20-YEAR LEASE THAT WOULD EXTEND THAT PERIOD OF SIGNIFICANT TIME INTO THE FUTURE. I KNOW NORMALLY WE DON'T GIVE CREDIT FOR MORE THAN 50% TOWARDS THIS PARKLAND DEDICATION FEE, BUT I KNOW OF NO INSTANCE, AND I DON'T

THINK THE PARKS DEPARTMENT DOES EITHER, WHERE THERE'S BEEN THIS PARTICULAR SET OF CIRCUMSTANCES. SO I'M INTERESTED IN PURSUING A PROPOSAL AT WHATEVER DATE THEY COME BACK TO SAY THAT IF A PIECE OF LAND HAS BEEN IN RECREATIONAL USE FOR THIS LONG THAT THEY GIVE THEM NOT 100% CREDIT, BUT AT LEAST 80% CREDIT TOWARD THEIR PARKLAND DEDICATION FEE. I DON'T KNOW HOW TO WORK THAT INTO WHATEVER, BUT I DON'T KNOW WHETHER THAT GOES TO SITE PLAN TIME OR WHAT HAVE YOU. MAYBE WE COULD ASK THE OWNER OR THE AGENTS?

MICHAEL WAYLAND ON BEHALF OF HUNTSMAN. WE HAVE TALKED TO DEBRA THOMAS AND WE THINK 80% IS VERY GENEROUS AND FAIR UNDER THESE CIRCUMSTANCES WITH A 50-YEAR TRADITION, WITH THE OPTIMISTS IN A LEASE THAT IS FOR THE ENTIRE AREA. IF YOU LOOK AT C-1 IN YOUR PACKET AT THE BACK, IT'S ACTUALLY EXHIBIT C, THE 17.44 ACRES, THAT IS WHAT HAS BEEN LEASED FOR 20 YEARS TO THE OPTIMIST REPRESENTATIVES THAT ARE HERE. THEY CAN ANSWER QUESTIONS ON BEHALF OF THE OPTIMISTS. BUT THAT'S WHAT'S BEEN LEASED FOR ANOTHER 20 YEARS. YOU'RE TALKING ABOUT 70 TOTAL YEARS TO THE OPTIMISTS. AND I THINK 80% WOULD BE FAIR, AND WE COULD TAKE IT UP ON THIRD READING. I DON'T SEE MS. THOMAS, BUT SHE SAID THAT WE COULD DO IT BECAUSE THAT WOULD SIMPLY BE CHANGING THE 50 TO 80 AT THIS POINT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

Dunkerley: I'D LIKE TO ADD THAT TO THE ORDINANCE.

YOU WOULDN'T NEED TO ADD IT. IF YOU LOOK AT SECTION 23 OF THE ORDINANCE ON PAGE 8 OF 8, THE LAST SENTENCE SAYS, A 50% CREDIT WILL BE ALLOWED FOR PRIVATELY OWNED AND MAINTAINED PARKLAND. ALL WE HAVE TO DO IS AMEND THAT TO BE 80, AND THAT WILL TAKE CARE OF THAT ISSUE.

Dunkerley: OKAY. I WILL MAKE A PROPOSAL TO AMEND THAT.

McCracken: I'LL SECOND IT.

Mayor Wynn: MOTION IS MADE BY COUNCILMEMBER DUNKERLEY AND SECONDED BY COUNCILMEMBER MCCRACKEN TO AMEND, AS WE JUST HEARD, ON PART 23. GOOD POINT. WE TECHNICALLY DON'T HAVE A MOTION ON THE ORDINANCE. SO THE MOTION IS TO APPROVE THE ORDINANCE WITH THE CHANGE OF AN 80% CREDIT AS NOTED ON SECTION 23.

Dunkerley: JUST AS I SAID.

Mayor Wynn: BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER MCCRACKEN. OKAY. FURTHER COMMENTS? QUESTIONS? COUNCILMEMBER SLUSHER.

Slusher: SO ARE WE JUST DOING 160-B, WOULD THAT END THE CASE OR WOULD WE COME TO 160-C AND HAVE TO VOTE ON THAT?

IT'S 160 A, B AND C.

Slusher: OKAY. SO THAT WILL COME UP AFTER THIS THEN?

AS THE MOTION WAS MADE, IT WAS FOR THE -- THE ENTIRE TRACT. THAT WOULD INCLUDE A AND C AS WELL.

Slusher: OKAY. WELL, I WOULD LIKE TO HEAR THE STAFF COMMENT ON THE POTENTIAL TRAFFIC. WE HAVE THE SF-6 ON A AND C, AND WE HAVEN'T DEALT WITH -- I CAN UNDERSTAND THE ARGUMENT THAT YOU WANT TO TO -- THAT PEOPLE WANT TO WAIT UNTIL SITE PLAN TO DEAL WITH HOW MUCH, IF ANY, TRAFFIC CAN COME OUT ON MORROW, BUT ON THE OTHER HAND, THAT WILL -- THE COUNCIL WON'T HAVE ANY SAY IN THAT AT THAT POINT. SO I WOULD LIKE TO HEAR -- DO WE HAVE ANY TRAFFIC PROJECTIONS ABOUT WHAT WOULD COME FROM SF-6, HOW THAT WOULD BE HANDLED? IF THE REST OF THE TRACT WERE DEVELOPED, COULD IT -- WHAT IF THAT TRAFFIC EMPTIED ON TO MORROW? DO WE HAVE ANY CABLTIONS OF THAT -- CALCULATIONS OF THAT?

COUNCILMEMBER, I BELIEVE TRACT C IS 1.79 ACRES, IS THAT CORRECT? THAT COULD BE EXPECTED TO GENERATE

ABOUT 140 TRIPS.

Slusher: OKAY. SO THAT'S NOT HUGE. BUT WHAT ABOUT -- SO THAT'S 140. HAIN'T THE STAFF MADE A COMPROMISE RECOMMENDATION TO PUT A 500 TRIP LIMIT ON THERE, IS THAT CORRECT?

THE NEIGHBORHOOD HAD REQUESTED A 500 TRIP LIMITATION, BUT WE HADN'T RECOMMENDED ANY TRIP LIMITATIONS ON IT.

Slusher: WHY DMOT? NOT?

BECAUSE WE DON'T KNOW WHAT WILL BE ON THAT SITE. THE AMOUNT OF TRIPS CAN VARY WIDELY. IT'S MUCH EASIER TO DEAL WITH THIS AT THE SITE PLAN STAGE THAN IT IS NOW.

Slusher: WELL, WOULD YOU THEN BE ABLE TO PUT A LIMIT ON IT?

COUNCILMEMBER, THERE'S A LIMIT IN SF-6 AS TO HOW MUCH DENSITY YOU CAN DEVELOP. AND SO I THINK THERE'S -- THERE WOULD BE A LIMIT ON THE NUMBER OF UNITS THAT YOU COULD DEVELOP UNDER SF-6.

Slusher: RIGHT. BUT WHAT ABOUT IF TRAFFIC FROM -- SAY THE TRACT IS REDEVELOPED. THE USE THERE NOW IS NOT COMING OUT ON TO MORROW IS NOT CREATING A SIGNIFICANT PROBLEM THERE, OR AT LEAST -- BUT ANYWAY, IF IT'S REDEVELOPED IS WHAT I'M TALKING ABOUT, LATER ON. WHAT IF THESE CARS COULD EMPTY BACK ON TO MORROW, THAT DOES SEEM LIKE THAT WOULD CREATE A PROBLEM TO ME. SO THAT WHAT WOULD BE THE STAFF'S AUTHORITY TO DO SOMETHING TO DEAL WITH THAT AT THAT TIME?

YOU CAN REQUIRE MITIGATION MEASURES SUCH AS RIGHT TURN ONLY OR THINGS LIKE THAT, BUT -- CAN WE LIMIT PER TRIP?

COUNCILMEMBER, A PORTION OF MORROW STREET IS CONSIDERED A RESIDENTIAL STREET, SO THERE ARE SOME -
- ALSO SOME TRIP LIMITATIONS THAT ARE BUILT INTO THE

ORDINANCE THAT CANNOT BE EXCEEDED BY DEVELOPMENT WHICH TAKES ACCESS TO MORROW STREET.

Slusher: HOW MUCH WOULD THAT BE?

I BELIEVE IT WOULD BE 4,000 TRIPS PER DAY.

Slusher: HOW MANY TRIMZ ARE ON THERE NOW?

I'M SORRY, I DON'T HAVE THAT INFORMATION. I'M TOLD IT'S ABOUT 2500.

Slusher: THAT'S WHAT I THOUGHT. SO THAT WOULD MORE THAN DOUBLE IT, THOUGH.

NOT QUITE DOUBLE. FROM 2500 TO 4,000.

OH, YOU MEAN INCLUDING. I THOUGHT YOU MEANT AN ADDITIONAL 4,000.

NO, 4,000.

Slusher: COULDN'T GO OVER 4,000.

THAT'S CORRECT.

Slusher: OKAY. AND THEN AM I UNDERSTANDING THIS RIGHT THAT THIS TRACT THAT'S BEEN DIVIDED IN THIS MOTION, THAT 7.2 ACRES OF IT WOULD BE SF-6, IS THAT RIGHT?

YES.

Slusher: OKAY. SO THIS OTHER ONE IS, WHAT, TWO ACRES?

THE OTHER ONE IS 10.2 ACRES. THE LARGER ONE IN THE NORTHWEST CORNER IS THE ONE --

Slusher: I'M SORRY, I'M TALKING ABOUT C.

IT'S A LITTLE UNDER TWO ACRES.

Slusher: AND IT'S CREATING 140. SOCO I ZOOM THIS OTHER ONE IS GOING -- SO COULD I ZOOM THIS OTHER ONE IS

GOING TO CREATE ABOUT 220?

THAT'S A CORRECT ASSUMPTION.

Slusher: I'M NERVOUS ABOUT PARTING AN ARBITRARY -- ABOUT PUTTING AN ARBITRARY LIMIT ON THERE, BUT THAT 4,000 SEEMS A LITTLE HIGH TO ME. MR. ZAPALAC, WHAT OTHER RESIDENTIAL STREET WOULD HAVE 4,000 ON IT DO YOU THINK?

I CAN'T THINK OF ONE OFFHAND. I KNOW THERE HAVE BEEN SOME THAT WE'VE DEALT WITH IN THE PAST. THERE ARE SOME THAT EVEN EXCEED 4,000. MESA DRIVE I KNOW IS ONE EXAMPLE THAT EXCEEDS 4,000.

Slusher: YEAH, I IMAGINE THE STREET I LIVE ON PROBABLY DOES TOO. I HADN'T HAD Y'ALL COUNT THAT. IS ANYBODY ELSE CONCERNED ABOUT THAT? MAYOR PRO TEM, DO YOU WANT TO HELP ME THERE? I MEAN, I JUST DON'T KNOW IF I WANT TO THROW IN AN ARBITRARY LIMIT, BUT I'M CONCERNED ABOUT IT LEAVES HERE THAT IT WILL GO UP TOO HIGH. I HAVEN'T ALWAYS AGREED WITH THE NEIGHBORHOOD ON THE CASES HERE, BUT I THINK IN THIS ONE THEY HAVE A LEGITIMATE CONCERN ABOUT THE POTENTIAL OF HOW MUCH TRAFFIC CAN BE DUMPED OUT OF THERE.

Goodman: WELL, I THINK YOU'VE MADE ALL LEGITIMATE POINTS AND THAT'S WHAT I WOULD SAY IS THAT IT'S CONCENTRATED, IT'S A VERY SMALL OUTLET THAT A GREAT DEAL OF EFFORT AND BRAINSTORMING HAS GONE INTO IN ALLEVIATING IN THE PAST. SO I THINK THEY'RE PUTTING IT BACK TO WHERE IT WAS AND IN A VERY DIFFICULT SPOT TO ALLEVIATE IN THE FUTURE.

Slusher: SO WHAT DO YOU THINK WOULD BE A PRUDENT LIMIT TO PUT ON THAT AS PART OF THE ZONING CASE?

Goodman: WELL, MY POSITION WAS NOT TO HAVE ANY.

Slusher: NOT TO HAVE ANY LIMIT?

Goodman: NO, NOT TO HAVE THAT USE THERE. SO YOU'RE

THINKING THAT A SMALL NUMBER AND I WAS THINKING OF NO NUMBER.

Slusher: IF WE SAID 6750, WOULD THAT -- 750, WOULD THAT PRECLUDE WHAT WE'RE ZONING IT TO DO? I THINK IT WOULD, WOULDN'T IT? YEAH, BECAUSE I JUST SAID -- LET'S SEE. IT'S -- ADDITIONAL.

THE TOTAL OF THOSE TWO TRACTS WOULD BE ABOVE 750. BUT OTHER THAN TRACT 160-C AND THE NORTHERN PORTION OF 160-B, THEY WOULDN'T HAVE THEIR ONLY ACCESS ON TO MORROW.

Slusher: RIGHT.

SO YOU WOULD -- YOU WOULD EITHER FORCE THE CITY TO BE LIMITED THROUGH THAT OR IT WOULD FORCE THE ACCESS TO BE MADE TO LAMAR INSTEAD OR AT LEAST A PORTION OF THE DEVELOPMENT.

Slusher: OKAY. ARE THERE IMMEDIATE PLANS TO DEVELOP THIS? THIS IS JUST THEY CAME IN -- WE BROUGHT THEM IN, THE CITY.

WE MADE THEM DO IT.

THE CITY DID A NEIGHBORHOOD PLAN AND THEY HAD TO COME FORWARD FOR ZONING SO I'M TRYING TO BE SYMPATHETIC FOR THAT AS WELL.

AND IN FAIRNESS TO THEM, THE MAJORITY OF THAT TRACT ALONG MORROW IS CURRENTLY ZONED LI, SO THEY COULD DEVELOP A LOT OF THINGS ON THERE AND TAKE ACCESS FROM MORROW.

Slusher: OKAY. I'M TRYING TO COMPROMISE ON THE PLOT, WHICH MAY GET TOTALLY SHOT DOWN BY THE REST OF THE COUNCIL. I WOULD SAY PUT A LIMIT ON THERE OF A THOUSAND ADDITIONAL TRIPS.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: ARE YOU JUST TALKING ABOUT THE TRIPS THAT

WOULD EXIT ON MORROW?

YES. THAT'S WHAT I'M --

Dunkerley: LOOKING AT IT, IT LOOKS LIKE MOST OF THAT STRIP, IF YOU'RE LOOKING AT THIS SHEET, IS GOING TO BE THE BALL FIELD AND YOU HAVE THAT SF-2, THAT CORNER AREA DOESN'T BELONG TO THEM. IT DOESN'T LOOK LIKE THEY HAVE VERY MUCH SPACE EVEN AVAILABLE FOR ACCESS.

Slusher: WHAT I'M CONCERNED ABOUT, THEY WOULD HAVE THE TWO SF-6 TRACTS BE 160-C AND THE 160-B-1. THEY WOULD HAVE THOSE THAT WOULD PROBABLY ACCESS OFF OF MORROW, AND THEN WHAT I'M MAINLY CONCERNED ABOUT IS IF THIS TRACT IS REDEVELOPED, IT'S A REAL PRIME TRACT FOR REDEVELOPMENT, I THINK IT'S AN APPROPRIATE TRACT FOR SOME HIGH DENSITY, ESPECIALLY SINCE THE RAIL TRACK COMES ALONG HERE THAT CAPITAL METRO ALREADY OWNS AND PROBABLY WOULD HAVE A STOP DOWN HERE WHERE IT HITS LAMAR. SO ALL THAT IS AN ARGUMENT FOR HIGHER DENSITY, I THINK. BUT I -- EVEN IF YOU HAVE A RAIL THROUGH THERE, IT WOULD BE A LOT OF CARS COMING TO IT, AND I'M WORRIED THAT THEY WOULD BE ABLE TO EXIT OUT ON TO MORROW. LIKE THE MAYOR PRO TEM SAID, THERE'S BEEN A LOT OF EFFORT GO INTO REDUCING THE TRAFFIC ON THAT STREET. I THINK RIGHT NOW IT'S PRETTY WELL PROTECTED. YOU CAN'T TURN LEFT ON TO THERE AND YOU CAN'T GO STRAIGHT FROM ACROSS LAMAR, SO IT CERTAINLY IS --

Dunkerley: MY QUESTION WAS YOU'RE JUST TALKING ABOUT THE TRIPS ON TO MORROW, NOT THE TRIPS ON TO LAMAR?

Slusher: RIGHT. I DIDN'T MEAN TO GIVE YOU TOO LONG AN ANSWER. I'M NOT TRYING TO LIMIT HOW MANY CAN GO OUT ON TO LAMAR. I THINK THAT'S AN APPROPRIATE PLACE FOR THEM TO GO.

Dunkerley: I DIDN'T KNOW WHAT YOU WERE DOING.

McCracken: I HAD A QUESTION. ONE THING COUNCILMEMBER SLUSHER POINTED OUT IS THE BOTTOM OF 160-A IS

ESSENTIALLY WHERE A COMMUTER RAIL STOP WOULD GO. AND SO IN LIGHT OF THAT, 160-C, WOULD BE NUMBER OF TRIPS BE DETERMINED SOLELY BY THE SIZE OF THE DEVELOPMENT OR THAT THERE BE SOME EFFORT ACTUALLY TO MEASURE HOW MANY CAR TRIPS WOULD GO THERE, BECAUSE I CAN FORESEE IF THE COMMUTER RAIL STOP DOES IN FACT GO THERE THAT PART OF THE PLAN FOR THAT AREA WOULD BE TO HAVE MORE PEOPLE LIVING THERE AND RESULT IN LESS TRAFFIC BECAUSE THEY WOULD TAKE THE COMMUTER RAIL TRAIN AND BE WALKING DISTANCE ACCORDING TO CAPITAL METRO PLANS.

OUR TRIP AFFAIRS SEEM TO BE SORT OF SUBURBAN IN NATURE AND THEY DON'T REALLY REFLECT THINGS LIKE TRANSIT ORIENTED DEVELOPMENT AND THINGS LIKE THAT WHICH WILL REDUCE THE NUMBER OF TRIPS OR HOPEFULLY REDUCE THE NUMBER OF TRIPS. SO THAT'S ONE THING TO KEEP IN MIND IS THAT A THOUSAND TRIPS BASED ON THE STANDARD TRAFFIC ENGINEERING CALCULATIONS WOULD BE THE SAME HERE AS IT WOULD BE SOMEWHERE ELSE.

McCracken: IN OTHER WORDS, IF THIS WERE A TRANSIT ORIENTED DEVELOPMENT, IT WOULD NOT GENERATE A TRIPS IN REALITY BECAUSE A LOT OF PEOPLE WOULD BE WALKING TO THE COMMUTER RAIL STATION. IT WOULD STILL BE DEEMED WITH A THOUSAND CAR TRIPS BECAUSE PEOPLE IN THE SUBURBS OR CENTRAL CITY OR WHATEVER NOT NEAR A RAIL STATION WOULD GENERATE A THOUSAND TRIPS FROM A SIMILAR DEVELOPMENT?

COUNCILMEMBER, IF IT IN FACT BECOME A TRANSIT ORIENTED DEVELOPMENT, WE WOULD ATTEMPT TO ADJUST THE NUMBER TO REFLECT WHAT COULD ACTUALLY BE EXPECTED TO OCCUR.

Slusher: LET ME FOLLOW ON THAT, MAYOR. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] I WOULD LIMIT THAT TO A THOUSAND.

Mayor Wynn: I THOUGHT WHAT I JUST HEARD MR. ZAPALAC SAY WAS JUST THAT SMALL SFC TRACT.

Slusher: HE WAS TALKING ABOUT B-1 AND C WOULDN'T ADD

UP TO A THOUSAND, PROBABLY.

MayorYOR WIN.

YOU WOULD --

Slusher: LIKELY WITH THE REST OF ITRONIX WOULD HAVE TO GO OUT ON LAMAR, HE SAID YES. MAYBE A FEW MORE TRIPS WOULD GO ABLE TO GO TO TO MORE ROW, BUT MOST OF THEM ON LAMAR IT WOULD HAVE TO BE DESIGNED LIKE THAT. HAS AIM TRYING TO DO -- WHAT I'M TRYING TO DO, I WOULD ENCOURAGE A HIGH DENSITY ON 160 A, BUT I WOULD BE CONCERNED IF -- IF THE TRAFFIC WAS ABLE TO ALL COME BACK HERE AND COME ON TO MORROW AND I THINK THAT WOULD BE A DISRUPTION TO THAT NEIGHBORHOOD.

SO YOU ARE OFFERING TRIP LIMITATION AS A FRIENDLY AMENDMENT?

YES.

AND OF COURSE SO OUR MARRY AND THE SECOND AGREE WITH THE TRIP LIMITATION?

Goodman: MAYOR, RELATIVE TO THAT, COULD I ASK MR. ZAPALAC A QUESTION?

Mayor Wynn: OF COURSE.

Goodman: GEORGE? DO YOU HAPPEN TO KNOW, DO YOU HAVE ANY INFORMATION THERE ABOUT HOW MANY LIP LINEAR FEET WE ARE TALKING ABOUT ON THE LENGTH OF THESE LOTS ON MORROW?

FOR THE ENTIRE TRACT DO YOU MEAN? OR JUST --

Goodman: ON THE MORROW SITE, JUST DOWN MORROW? THE PART WEST OF AGGIE LANE, A LITTLE BIT UNDER, ACTUALLY 1450, IS THAT RIGHT? 1550 SORRY, I'M NOT SURE WHAT THE PART EAST OF AGGIE LANE IS. I THINK THEY ARE ABOUT -- THERE ARE ABOUT SIX OR EIGHT ALREADY

PLATTED LOTS THERE, SO USUALLY ABOUT 50 FEET WIDE.

Goodman: THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MS. TERRY, COULD YOU HELP ME SORT OF CLEAN THIS UP. WE HAVE A -- WE HAVE A DRAFTED ORDINANCE FOR ITEM NO. 50, WE HAVE ALREADY VOTED UNANIMOUSLY TO POSTPONE ACTION ON TRACT 123.

THAT'S CORRECT. TRACT 123 IS INCLUDED IN THE ZONING ORDINANCE. HOWEVER WITH YOUR ACTION TO POSTPONE 123 WE HAVE DIRECTION THEN TO TAKE THE REFERENCES OUT FROM 123 SPECIFICALLY, 123 IS DESCRIBED ON THE FIRST PAGE, THE TRACT ITSELF IS DESCRIBED I BELIEVE BEGINNING AT LINE 16 THROUGH LINE 17, WE CAN REMOVE THAT FROM THE ORDINANCE, THEN WHEN YOU GO TO PART 6 ON PAGE 3 OF 3, WE WOULD TAKE OUT THE ENTIRETY OF PART 6. WE WOULD LEAVE THE EXHIBITS IN THAT SHOW TRACT 123 BECAUSE THEY ALSO SHOW THE OTHER TRACT THAT WE ARE DEALING WITH, WHICH IS TRACT 160, WHAT WE WOULD PROPOSE TO DO, WE UNDERSTAND THAT IT'S BEEN POSTPONED, WE WOULD FINAL AN ORDINANCE THAT REFERS ONLY TO TRACTS 160 A THROUGH 160 C. WE WOULD ADD THE TRIP LIMITATION, SUFFICIENT DIRECTION TO DO THAT, OF COURSE YOU HAVE AMENDED THAT ONE SECTION TO 80% CREDIT, THAT'S SECTION 23 ON PAGE 8 OF 8. SO I THINK WE'RE FINE ON THE ORDINANCE.

Mayor Wynn: THANK YOU. COUNCIL, THERE'S A MOTION ON THE TABLE AND A SECOND TO APPROVE THE ORDINANCE FOR ITEM NO. 50. WE ARE POSTPONING ACTION ON TRACT 123, WE ARE PLACING A TRIP LIMITATION OF 1,000 TRIPS PER DAY ON MORROW STREET OFF OF COMBINED TRACT 160. AND WE HAVE CHANGED THE PERCENT CREDIT REGARDING PARKLAND DEDICATION FROM 50 TO 80%. THIS IS ON SECOND AND THIRD READING. FURTHER COMMENTS? QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THANK YOU. MR. WHITEMAN. COUNCIL, WITH THAT, THAT TAKE US BEYOND OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT THIS TIME WE STAND RECESSED. THANK YOU. BACK,.

Mayor Wynn: WELCOME TO OUR 5:30 LIVE MUSIC CONCERT AT THE AUSTIN CITY COUNCIL MEETING. JOINING US TONIGHT IS DJANGO'S MOUSTACHE, THE BAND OF A GROUP OF FRIENDS, WHOSE LOVE OF GYPSY JAZZ MIXES IN WITH THEIR TEXAS ROOTS. THE RESULT IS A CELEBRATION OF A CULTURAL MIX WHICH SOUND PERFECTLY NATURAL. PLEASE JOIN ME IN WELCOMING DJANGO'S MOUSTACHE. [APPLAUSE] [(music) MUSIC PLAYING (music)(music)] [(music) INSTRUMENTAL MUSIC (music)(music)] [APPLAUSE] SO TELL US, WHERE CAN FOLKS HERE DJANGO'S MOUSTACHE OR BUY CD'S?

WELL, WE ARE PLAYING OUR FIRST -- MAY THE 7th AT THE [INDISCERNIBLE] BAR AND GRILL, MAY THE 14th AT CENTRAL MARKET AT WESTGATE AND MAY THE 21st AT ARTS RIB HOUSE.

OKAY. GREAT.

AND WE DO HAVE A WEBSITE. DISANGDJANGO'S MOUSTACHE.COM. WE WILL HAVE CD'S SOON, IF YOU WANT TO CHECK OUT OUR SCHEDULE, GO TO THAT WEBSITE.

WE WILL, BEFORE YOU GET AWAY, WE HAVE AN OFFICIAL CITY OF AUSTIN PROCLAMATION THAT READS BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARD THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS DEDICATED EFFORTS BY ARTISTS LIKE DJANGO'S MOUSTACHE FURTHER AUSTIN'S STATUS AT THE LIVE MUSIC CAPITOL OF THE WORLD. THEREFORE I WILL WIN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TAX DAYS, APRIL 15th, 2004 AS DJANGO'S MOUSTACHE DAY IN AUSTIN, CALL ON ALL CITIZENS TO HELP ME RECOGNIZE THIS GREAT TALENT. [APPLAUSE]

Mayor Wynn: OUR FIRST PROCLAMATION IS NATIONAL VOLUNTEER APPRECIATION WEEK. BE IT KNOWN WHEREAS

EACH YEAR THE UNITED WAY CAPITAL AREA CONNECTS PEOPLE THROUGH ITS VOLUNTEER CENTER. WITH THE WORK OF THOSE VOLUNTEERS, HELPS BUILD AUSTIN INTO A STRONGER, MORE CARING COMMUNITY. WHEREAS LAST YEAR NEARLY 90 MILLION VOLUNTEERS IN THE U.S. STEPPED FORWARD TO MENTOR AT RISK CHILDREN, TO BUILD NEW HOMES, TO HELP FAMILIES AND TO ASSIST ORGANIZATIONS AND CAUSES IN MEETING THEIR MISSIONS. WHEREAS IN KEEPING WITH THE 31 YEAR TRADITION, WE ARE PLEASED TO RECOGNIZE AND CELEBRATE THE TREMENDOUS EFFORTS OF VOLUNTEERS IN THE AUSTIN AREA BY DESIGNATING THIS SPECIAL WEEK IN THEIR HONOR. NOW, THEREFORE, I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM APRIL 18th THROUGH 24th 2004 AS NATIONAL VOLUNTEER WEEK IN AUSTIN, AND CALL ON MR. MIKE DAVIS TO TALK ABOUT HOW THE VOLUNTEER CENTER ALLOWS FOLKS TO GET CONNECTED WITH OPPORTUNITIES THROUGHOUT OUR COMMUNITIES. LET'S GIVE A BIG ROUND OF APPLAUSE TO MR. DAVIS AND ALL THAT UNITED WAY DOES FOR US.

THANK YOU, MAYOR WYNN. WE WOULD LIKE TO HONOR THE VOLUNTEERS. THE VOLUNTEERS PROVIDE RESOURCES THAT ARE INCREDIBLE IN HELPING OUR COMMUNITY STRENGTHEN ITS CAPACITY FOR CARING FOR ONE ANOTHER. WE ARE FORTUNATE AND HONORED THAT THE PRESIDENT PROVIDED AND HONORED THE UNITED WAY AND VOLUNTEER CENTER WITH THE PRESIDENT'S VOLUNTEER SERVICE AWARD. ON BEHALF OF THE COMMUNITY INVESTMENT VOLUNTEERS, OUR VOLUNTEER CENTER, VOLUNTEERS AS WELL AS OUR 211 TEXAS VOLUNTEERS. AND THIS AFTERNOON, WE HAVE RENEE CARLENE AN EXCELLENT EXAMPLE. HE'S HELPED OUR VOLUNTEER ADVISORY COMMITTEE AS WELL AS LEADING THE VOLUNTEER EFFORTS AT THE BOB BULLOCK MUSEUM. ON BEHALF OF UNITED WAY CAPITAL AREA AND THE VOLUNTEER CENTER THAT RECEIVED THIS AWARD WE WOULD LIKE TO PRESENTS THIS TO RENEE ON BEHALF OF THE THOUSANDS OF VOLUNTEERS IN THIS COMMUNITY THAT STEP UP AND MAKE A DIFFERENCE. THANK YOU. [APPLAUSE]

THANK YOU VERY MUCH, I ACCEPT THIS ON BEHALF OF THE

COMMUNITY RESOURCE VOLUNTEERS. I ACCEPT IT WITH GREAT ENTHUSIASM. MY WORK AT THE UNITED WAY VOLUNTEER CENTER AND THE ADVISORY COUNCIL IS A GREAT SOURCE OF PRIDE FOR MYSELF AS MY COLLEAGUES AND I SHAPE AND GIVE DIRECTION TO THE VOLUNTEER CENTER WITH OUR GOAL BEING THAT -- THAT THE VOLUNTEER CENTER WILL BE THE PREMIER LOCATION AND RESOURCE FOR INDIVIDUALS TO -- TO VOLUNTEER AND WHO WANT TO GIVE BACK TO THEIR COMMUNITY. SO AGAIN I THANK YOU VERY MUCH FOR THIS AWARD. [APPLAUSE]

I'M JOINED HERE BY BECKY MOTAL, THE PROCLAMATION REGARDING AUSTIN'S CRIMESTOPPERS 25th ANNIVERSARY. OUR PROCLAMATION READS: BE IT KNOWN WHEREAS FOR A QUARTER CENTURY CAPITAL AREA CRIMESTOPPERS HAS BEEN HELPING LAW ENFORCEMENT FIGHT CRIME BY CLEARING MORE THAN 9,000 CASES AND RECOVERING MORE THAN \$32 MILLION IN ILLEGAL DRUGS, WEAPONS AND STOLEN PROPERTY. AND WHEREAS THE PROGRAM OFFERS CASH REWARDS AND ANOMITY TO CITIZENS WHO USE THE HOTLINE TO REPORT INFORMATION ON CRIMINAL ACTIVITY. REWARDS TOTALING \$920,000 HAVE BEEN PAID FOR CRIME SOLVING TIPS AND WHEREAS WE ARE PLEASED TO RECOGNIZE THE SUCCESS OF THE CRIMESTOPPERS PROGRAM IN MOBILIZING CITIZENS, THE MEDIA AND LAW ENFORCEMENT TO SOLVE SERIOUS FELONY CRIMES AND CONTRIBUTIONS TOWARDS MAKING OUR COMMUNITY A SAFER PLACE IN WHICH TO LIVE, WORK AND PLACE. NOW THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM APRIL 2004 AS CAPITAL AREA CRIMESTOPPERS 25th ANNIVERSARY MONTH AND CONGRATULATE ALL OF THE FOLKS WHO MAKE THIS COMMUNITY SAFER. I WOULD LIKE TO ASK BECKY TO SAY A FEW WORDS ABOUT CRIMESTOPPERS, THANK YOU, BECKY?

MAYOR, I WANT TO THANK YOU WITH THE CITY AND CITY COUNCIL FOR THIS PROCLAMATION. IT'S KIND OF FITTING COMING AFTER THE NATIONAL VOLUNTEER WEEK BASE ALL OF OUR BOARD MEMBERS ARE VOLUNTEERS. WE LOOK ON CRIMESTOPPERS, IT'S REALLY -- IT'S A COMMUNITY ORGANIZATION BECAUSE WE WORK WITH THE AUSTIN POLICE, WE WORK WITH THE SHERIFF'S DEPARTMENT, WE WORK WITH AUSTIN INDEPENDENT SCHOOL DISTRICT,

POLICE, TO TRY TO MAKE THIS A SAFER COMMUNITY. IT IS A GREAT ORGANIZATION, WE THANK YOU FOR RECOGNIZING US ON OUR 25th BIRTHDAY.

Mayor Wynn: OUR PLEASURE. THIS NEXT PROCLAMATION REGARDS OR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM OR CDBG WHICH WE DISCUSS QUITE OFTEN HERE AT THE CITY COUNCIL. I'M JOINED BY PAUL HILGERS DIRECTOR OF OUR COMMUNITY HOUSING NEIGHBORHOOD DEVELOPMENT DEPARTMENT. PROBABLY SAID THAT INCORRECTLY.

THAT'S ALL RIGHT.

THE PROCLAMATION READS SINCE 1975 THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM OR CDBG HAS PROVIDED THE CITY OF AUSTIN WITH MORE THAN \$194 MILLION TO IMPROVE OUR COMMUNITY. WHEREAS THE CITY HAS USED CDBG FUNDS TO CREATE NEIGHBORHOOD CENTERS, AND INCREASE AFFORDABLE HOUSING, CREATE JOB OPPORTUNITIES, INCREASE PUBLIC SERVICES TO LOW INCOME HOUSEHOLDS AND AS PEOPLE FROM SUFFERING FROM ABUSE. WHEREAS CDBG FUNDS ASSISTED IN THE REDEVELOPMENT AND REVITALIZATION OF CENTRAL CORE EAST AUSTIN NEIGHBORHOODS AS EVIDENCED BY THE 11th AND 12th STREET CORRIDOR, THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM APRIL 2004 AS COMMUNITY DEVELOPMENT MONTH AND ASK MR. PAUL HILGERS TO GIVE US A BRIEF DESCRIPTION ABOUT THIS PROGRAM, INTRODUCE PROVIDERS HELPED FUNDED AND CONGRATULATE THE OVERALL COMMUNITY EFFORT TO TRY TO REBUILD AND GROW THIS COMMUNITY IN A SOUND WAY. MR. PAUL HILGERS.

THANK YOU, MAYOR. APPRECIATE IT. [APPLAUSE]

THANK YOU, MAYOR. I WOULD BE BRIEF, BUT I DID MISS THAT EARLIER OPPORTUNITY TO SPEAK TODAY. I JUST WANTED TO TAKE A MINUTE TO ACKNOWLEDGE THE FACT THAT THE CDBG HAS BEEN AROUND SINCE 1975 IN AUSTIN, TEXAS. THAT -- THAT IT WAS CREATED ACTUALLY IN A REPUBLICAN ADMINISTRATION BY THEN PRESIDENT NIXON TO HELP GIVE

HONEY TO LOCAL COMMUNITIES TO DEAL WITH FEDERAL PROGRAMS, BUT TO GIVE THAT MONEY IN A WAY THAT WAS FLEXIBLE TO COMMUNITIES SO THAT THEY COULD DECIDE HOW TO SPEND THAT MONEY BECAUSE THEY BEST KNOW WHAT'S NEEDED THIS THEIR COMMUNITIES, WE ARE IN THE MIDDLE OF THAT PROCESS IN AUSTIN RIGHT NOW, WE HAVE PUBLIC HEARINGS COMING BACK TO THE COUNCIL IN MAY OF HOW WE WILL SPEND THE \$9 MILLION IN CDBG FUNDS THAT WE WILL GET NEXT YEAR PLUS OUR HOME ALLOCATIONS, WE HAVE BEEN VERY FORTUNATE TO HAVE CITY COUNCIL LEADERSHIP IN THIS COMMUNITY THAT BELIEVES IN THESE PROGRAMS. I VISITED AN AREA OF TEXAS THIS LAST WEEK THAT DIDN'T HAVE THE SAME KIND OF LEADERSHIP THAT WE HAVE, SO IT BECAME VERY APPARENT TO ME THAT -- THAT LOCAL LEADERSHIP BOTH AT THE CITY MANAGEMENT LEVEL AND AT THE CITY COUNCIL LEVEL IS VERY CRUCIAL TO MAKING THESE PROGRAMS EFFECTIVE. WE ARE PROVIDED OF THE WORK THAT WE HAVE BEEN ABLE TO DO IN THIS COMMUNITY, WE ARE TRYING TO -- TO TAKE THIS OPPORTUNITY TO CELEBRATE THIS 30 YEARS. I HAVE -- I HAVE -- HERE WITH ME AT THE PODIUM TWO OF OUR PROVIDERS THAT HAVE AN INDICATION OF THE KIND AND DIVERSITY OF THE SERVICE THAT'S WE HAVE. I'LL MENTION A FEW FOLKS THAT WE ARE GOING -- THAT WERE GOING TO BE HERE BUT COULDN'T MAKE IT. INCLUDING AUSTIN AIR URBAN LEAGUE, AMERICAN YOUTH WORKS, AUTOMATIC REVITALIZATION AUTHORITY, LIFE WORKS I KNOW IS REPRESENTED HERE EARLIER TODAY, THEY HAD TO LEAVE, BUT THERE ARE JUST A VARIETY OF ORGANIZATIONS THAT PROVIDE SERVICES, INCLUDING BUSINESS LOANS, HOUSING REHABILITATION LOANS, SERVICES TO YOUTH AND TWO OF THOSE PROVIDERS THAT ARE HERE, ONE IS KATHY STARK FROM AUSTIN TENANTS COUNCIL AND MONA GONZALEZ FROM AUSTIN RIVER STREET YOOIT. I WOULD LIKE THEM BOTH TO COME UP AND SAY A COUPLE OF WORDS.

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK THE CITY COUNCIL FOR THE FAITH THEY'VE HAD IN THE AUSTIN TENANTS COUNCIL TO CONTINUE TO PROVIDE US WITH CDBG DOLLARS. WE USED THOSE DOLLARS TO TRY TO MAKE SURE THAT MODERATE LOW INCOME RENTAL HOUSING

DOES NOT GO SUBSTANDARD. NOT A THREAT TO PEOPLE'S HEALTH AND SAFETY TO LIVE THERE. THAT'S WHERE WE TARGET OUR DOLLARS THAT WE RECEIVE FROM THE CITY THROUGH THIS FUNDING SOURCE. AND WE ALSO DO AS MUCH EDUCATION AS POSSIBLE IN TENANTS RIGHTS AND RESPONSIBILITIES AND HOUSING IS THE LYNCH PIN. IF PEOPLE DON'T HAVE HOUSING THEY CAN'T STAY IN SCHOOL, THEY CAN'T KEEP THEIR JOBS, IT'S VERY IMPORTANT THAT THEY HAVE DECENT HOUSING, THANK YOU. [APPLAUSE]

I'M MONA GONZALEZ, THE FOUNDING EXECUTIVE DIRECTOR FOR THE RIVER CITY YOUTH FOUNDATION, LOCATED IN THE SOUTHEAST AUSTIN AREA OF TOWN. CALLED DOVE SPRINGS. THE WAY THAT WE UTILIZE CDBG FUNDING WAS WE TOOK A -- AN ABANDONED DRUG INFESTED PARK THAT HAD BEEN HOMEOWNERS ASSOCIATION PARK. AND WITH CDBG FUNDING AND THE SUPPORT OF LOCAL BUSINESSES AND HUNDREDS AND HUNDREDS OF VOLUNTEERS, THAT PLACE TODAY IS NO LONGER DRUG INFESTED AND IT'S NO LONGER SCARY FOR KIDS. IT IS NOW A BEAUTIFUL, THRIVING, LEARNING CENTER. AND WE CALL IT THE RIVER CITY YOUTH FOUNDATION SUCCESS CENTER. AND IT JUST COULDN'T HAVE HAPPENED WITHOUT THE SUPPORT OF THE CITY OF AUSTIN THROUGH THIS WONDERFUL, WONDERFUL PROGRAM. SO -- SO CONSTANTLY, NOW, WE'RE ABLE TO FEED CHILDREN THERE, WE ARE ABLE TO TEACH TECHNOLOGY, WE ARE ABLE TO COUNSEL CHILDREN, PROVIDE WONDERFUL AFTER SCHOOL ACTIVITIES YEAR ROUND, SEVEN DAYS A WEEK, AND IT SIMPLY COULD NOT HAVE HAPPENED WITHOUT YOU. SO WE ARE SO VERY DEEPLY GRATEFUL TO THE CITY OF AUSTIN TO PAUL, TO ALL OF THE STAFF, AND REALLY TO ALL OF THE PEOPLE THAT SUPPORT THIS. JUST -- JUST NOT ENOUGH CAN BE SAID, PAUL, TO EMPHASIZE TO THE COMMUNITY HOW IMPORTANT THESE FUNDS ARE. I ENCOURAGE YOU TO GO TO THE PUBLIC HEARINGS THAT ARE TAKING PLACE AND LET THEM KNOW WHAT IS IMPORTANT TO YOU. WE ALL WANT A SAFE AND BEAUTIFUL COMMUNITY AND THIS IS ONE WAY THAT WE CAN DO IT. THANK YOU. [APPLAUSE]

THANK YOU VERY MUCH MONA, THANKS, KATHY. JUST ONE MORE POINT. I WANT TO GIVE A COUPLE OF PLUGS TO SOME EVENTS THAT ARE HAPPENING, THIS IS CDBG MONTH. THE

BIGGEST EVENT THAT WE HAVE GOING ON IS ON APRIL THE 28th AT 10:00 WE'LL BE HAVING OUR RIBBON CUTTING AND GRAND OPENING CEREMONY FOR THE AUSTIN RESOURCE CENTER FOR THE HOMELESS ON 7th STREET. A DREAM THAT HAS BEEN IN THE MAKING FOR SOME LONG, LONG TIME. LATER THIS YEAR WE WILL BE CUTTING A RIB BOB RIBBON ON OUR NEW OFFICE BUILDING ON 11th STREET. A LOT OF GREAT THINGS ARE HAPPENING WITH CDBG AS WE SPEAK, A LOT OF GREAT THINGS HAVE HAPPENED PREVIOUSLY. WE THANK THE CITY COUNCIL AND MAYOR, THANK YOU FOR ALLOWING US TO DO THIS. THERE'S CAKE AND ICE CREAM -- CAKE, NO ICE CREAM, CAKE AND PUNCH OUT ON THE FRONT PORCH. EVERYBODY IS WELCOME TO HAVE A BITE. THANK YOU VERY MUCH.

THANK YOU. [APPLAUSE]

> ALVAREZ: OKAY, WE HAVE ANOTHER SPECIAL PROCLAMATION TO PRESENTS TODAY IN HONOR OF APRIL I GUESS BEING CHILD ABUSE PREVENTION MONTH AS DESIGNATED BY THE PRESIDENT AND U.S. DEPARTMENT OF HEALTH AND CHILDREN'S SERVICE, OFFICE ON CHILD ABUSE AND NEGLECT. WE HAVE FOLKS HERE WITH US TO TALK ABOUT THIS AND HOW WE CAN LEARN MORE ABOUT -- ABOUT THE PRESIDENT DAY PROBLEMS THAT AFFECT CHILDREN AND ADULTS AND SHOULD MAKE A CONCERTED EFFORT TO SEE THROUGH THE EYES OF OUR CHILDREN AND LISTEN THROUGH THEIR EARS AND FEEL THROUGH THE HEARTS OF OUR YOUNG PEOPLE AND I THINK WHENEVER WE TALK ABOUT OUR CHILDREN, WE ARE TALKING ABOUT OUR FUTURE SO IT'S VERY IMPORTANT THAT WE MAKE SURE THAT WE TRY TO CREATE A GOOD LIVING ENVIRONMENT FOR ALL CHILDREN BECAUSE THEY ARE OUR FUTURE. SO THEY CAN DEVELOP A POSITIVE SELF IMAGE. MANY FACTORS CAN MAKE A CHILD'S LIFE ROUGHER THAN IT NEEDS TO BE. CERTAINLY THIS IS ONE OF THOSE THINGS IF THEY EXPERIENCE EARLY IN LIFE, IT'S GOING TO CREATE A LOT OF OBSTACLES FOR THEM. SO AS MUCH AS WE CAN RAISE AWARENESS ABOUT THE ISSUE AND TRY TO PREVENT, YOU KNOW, THIS PROBLEM IN OUR COMMUNITY, I THINK WE WILL BE MUCH THE BETTER FOR IT. SO REALLY I'M JUST REALLY GLAD TO BE ABLE TO PRESENTS THIS PROCLAMATION, I WILL READ IT INTO THE RECORD. IT SAYS

BE IT KNOWN WHEREAS MORE THAN 1500 CASES OF CHILD ABUSE OR NEGLECT WERE CONFIRMED IN TRAVIS COUNTY LAST YEAR, THIS IS A -- THIS IS THE THIRD HIGHEST RATE OF CONFIRMED VICTIMS IN THE STATE, WHEREAS THIS SPECIAL MONTH EMPHASIZES THAT WE ALL CAN WORK TO PREVENT CHILD ABUSE FROM HAPPENING IN THE FIRST PLACE, EVERY CHILD HAS A RIGHT TO LIVE IN GOOD HEALTH, TO GROW IN A SAFE ENVIRONMENT, TO RECEIVE CARE AND PROTECTION, AND TO DEVELOP A POSITIVE SELF IMAGE. AND WHEREAS BY RAISING AWARENESS OF THE ISSUE OF CHILD ABUSE AND BY SUPPORTING PROGRAMS THAT STRENGTHEN POSITIVE PARENT-CHILD INTERACTION AND HEALTHY CHILD DEVELOPMENT, WE AS A COMMUNITY CAN TRULY MAKE A DIFFERENCE, SO NOW THEREFORE I WILL WYNN MAYOR OF THE CITY OF AUSTIN, TEXAS AND THE CITY COUNCIL DO HEREBY PROCLAIM APRIL 2004 AS CHOILD ABUSE PREVENTION MONTH IN AUSTIN. [APPLAUSE]

MY NAME IS ZIPPEDDY ASHBY, I'M VICE CHAIR OF THE TRAVIS COUNTY CHILD PROTECTIVE SERVICES BOARD. I'M VERY GRATEFUL TO COUNCILMEMBER ALVAREZ FOR THIS RESOLUTION AND ALSO VERY GRATEFUL FOR THE ENTIRE CITY COUNCIL FOR THE ATTENTION AND TIME AND RESOURCES THEY HAVE PUT INTO THE CHILDREN OF THIS COMMUNITY. MOST IMPORTANTLY, I AM ONE PERSON WHO IS HERE TRYING TO REPRESENT THE HUNDREDS AND THOUSANDS OF VOICES OF CHILDREN THAT ARE ABUSED AND NEGLECTED IN OUR COMMUNITY. THOSE ARE OUR HUMAN RESOURCES. THERE'S GREAT, GREAT NEED OUT THERE. ONE THING THAT I AM VERY PLEASED TO SAY IS THAT OUR BOARD IS WORKING VERY HARD TO SUPPORT THE CHILDREN THAT ARE IN THE FOSTER CARE SYSTEM IN WHATEVER AREA THAT MAY BE. WE ARE WORKING HARD TO SUPPORT THE FOSTER FAMILIES TAKING THESE CHILDREN IN AND GIVING OF THEMSELVES TO PROVIDE AN ENVIRONMENT WHILE WE ARE WORKING WITH THE PARENTS OR WE ARE WORKING WITH RELATIVES, WHATEVER THE SITUATION IS. YOU GUESS MOST IMPORTANTLY, THIS BOARD FEELS VERY RESPONSIBLE THAT -- THAT AS A COMMUNITY THAT WE DO HAVE THE RESPONSIBILITY TO TAKE CARE OF CHILDREN WHO ARE OFTEN JUST OVERLOOKED AND UNHEARD FROM. SO ONE MORE THING THAT I DO WANT TO

MENTION AS WELL, WE ARE ALSO LOOKING FOR MORE FOSTER FAMILIES. IT'S A TOUGH JOB. THERE'S NO DOUBT ABOUT IT. BUT WE DO NEED FAMILIES WHO ARE WILLING TO TAKE IN THESE CHILDREN. WE ARE TRYING TO BE SOMEWHAT CREATIVE, GOING INTO CHURCHES AND CONGREGATIONS AND OFFERING TRAININGS AND INFORMATION AND SUCH AND SO I JUST APPRECIATE THE TIME TO SHARE WITH ALL OF YOU SOME OF THE THINGS THAT WE ARE DOING AND JUST TO REMIND EVERYONE ABOUT THE OBLIGATION THAT WE HAVE TO OUR PRECIOUS CHILDREN. THANK YOU. [APPLAUSE]

I'M LAURA ATKINS, THE DIRECTOR FOR OFFICE THE CHILDREN SERVICES FOR THE COUNTY'S HEALTH AND HUMAN SERVICES DEPARTMENT. WE HELP SUPPORT THE C.P.S. BOARD AND I JUST WANTED TO ADD TO CINDY'S COMMENTS THAT IN ADDITION TO THE AMOUNT OF EFFORT THAT GOES INTO INTERVENING FOR KIDS, THAT ARE ABUSED AND NEGLECTED, THE CITY COUNCIL AND THE COUNTY COMMISSION HAVE BEEN VERY COMMITTED TO INVESTING IN PREVENTION AS WELL. TO SUPPORTING A VARIETY OF DIFFERENT PROGRAMS AND INITIATIVES IN THE COMMUNITY TO REALLY TRY TO REACH ON IT TO FAMILIES AT THE VERY START OF THEIR PARENTING. AND I THINK THAT THIS PREVENT CHILD ABUSE MONTH PREVENTS AN OPPORTUNITY TO REALLY ENCOURAGE THE ENTIRE COMMUNITY TO LOOK AT WHAT YOU INDIVIDUALLY ARE DOING ON BEHALF OF CHILDREN IN OUR COMMUNITY AND THE VARIETY OF OPPORTUNITIES THAT EXIST FOR REALLY GETTING INVOLVED IN MAKING A DIFFERENCE IN THE LIFE OF A CHILD. IF YOU HAVE ANY TROUBLE IN FINDING SOME WAY TO GET CONNECTED AND GET INVOLVED IN A WAY THAT WORKS FOR YOU, YOU CAN CALL OUR OFFICE OF CHILDREN'S SERVICES AT 854-9004, WE WILL HELP YOU GET CONNECTED TO A VOLUNTEER OPPORTUNITY OR TO ANY OF THE EVENT THAT MIGHT BE GOING ON THIS MONTH. THANKS. [APPLAUSE]
PLAN,.

Mayor Wynn: I PREEHT OVER'S PATIENTS. WITHOUT -- I APPRECIATE EVERYBODY'S PATIENCE, WE CAN TAKE UP THE PUBLIC HEARING, NOBODY SIGNED UP FOR OR AGAINST, I WILL RECOGNIZE STAFF FOR A BRIEF PRESENTATION ON

ITEM NO. 52.

THANK YOU, MAYOR AND COUNCIL, I'M LUCY GALLON MAN WITH WATERSHED PROTECTION DEVELOPMENT REVIEW, CASE NUMBER SP 040054 AW, IS A REQUEST TO WAIVE THE 300-FOOT DISTANCE REQUIREMENT IN SECTION 4-9-4 A OF THE AUSTIN OSTEOCITY CODE. THE APPLICANT IS PROPOSING TO SELL BEER AND WINE AT HIS RESTAURANT AT 4618 BURNET ROAD, 77 FEET FROM THE TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED LOCATED AT 1100 WEST 45th STREET. CITY CODE SECTION 4-9-5 B PROVIDE THAT'S THE CITY COUNCIL MAY CONSIDER A WRITTEN CONSENT TO THE WAIVER PROVIDED BY THE PUBLIC SCHOOL THAT IS WITHIN 300 FEET OF THE PROPOSED BUSINESS TO BE SUFFICIENT JUSTIFICATION FOR THE WAIVER. MR. FILL HATLAND SUPERINTENDENT OF THE SCHOOL HAS PROVIDED THE WRITTEN CONSENT TO THE WAIVER.

Mayor Wynn: THANK YOU, FURTHER QUESTIONS OF STAFF, COUNCIL?

Thomas: MAYOR, COULD I ASK -- YOU SAY YOU GOT A LETTER FROM THE SUPERINTENDENT OF THIS SCHOOL. THE SCHOOL FOR THE BLIND?

YES, SIR.

Thomas: OKAY. AND HOW MANY FEET YOU WERE SAYING THAT WAS FROM --

77 7.

Thomas: IT'S AND -- 77.

Thomas: AND IT'S REQUIRED AT?

300.

Thomas: OKAY.

OKAY.

Thomas: THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION TO -- ON ITEM NO. 52 INCLUDING CLOSING THE PUBLIC HEARING. ACTUALLY, LET ME FIRST ASK, ARE THERE ANY CITIZENS HERE THAT WISH TO SPEAK ON THIS PUBLIC HEARING, ITEM NO. 52? THANK YOU. I'LL ENTERTAIN A MOTION.

Slusher: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM NO. 52, CONSISTING OF A WAIVER. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THANK YOU.

THANK YOU.

Mayor Wynn: OKAY. THANK YOU ALL FOR YOUR PATIENCE, WE WILL NOW TAKE UP THE COMBINED ITEMS NUMBER 44 AND 51, BOTH THE NEIGHBORHOOD PLAN AND THE REZONING CASES FOR THE BRENTWOOD/HIGHLAND COMBINED NEIGHBORHOOD PLAN.

MAYOR AND COUNCIL, I'M BRYAN BLOCK WITH NEIGHBORHOOD PLANNING AND ZONING. I WILL BE PRESENTING ITEMS 44 AND 51, THE REZONINGS TO IMPLEMENT THE NEIGHBORHOOD PLAN. AND THIS IS READY FOR SECOND READING.

Mayor Wynn: THANK YOU, SECOND READING ONLY.

SECOND READING ONLY.

Mayor Wynn: IS THAT BASED ON THE DOCUMENTATION STILL

REQUIRED FOR CERTAIN TRACTS.

AT THE FIRST READING SOME OF THE COUNCILMEMBERS EXPRESSED INTEREST IN SEPARATING SECOND AND THIRD READING SINCE WE DIDN'T FULLY DISCUSS ALL OF THE ITEMS ON THE MOTION SHEET FOR FIRST READING. AND THE ORDINANCE IS NOT PREPARED AT THIS TIME.

Mayor Wynn: OKAY, THANK FOR YOU THE REMINDER. SO COMMENTS, COUNCIL? OR SPECIFIC QUESTIONS OF STAFF? OTHERWISE WE WILL I GUESS ASK STAFF TO WALK US THROUGH THE MOTION SHEET.

OKAY. THIS IS BASICALLY THE SAME MOTION SHEET THAT YOU HAD LAST TIME, BUT THERE ARE IMPROVEMENTS THAT HAVE BEEN MADE. WE ADDED A COMMENTS SECTION SO YOU CAN LOOK AT THAT TO JOG YOUR MEMORY ON WHAT THE -- WHAT THE PROPERTY AND THE ISSUES ARE. ALSO, FOR ITEM 44, AFTER YOU TAKE MOTION 1, YOU WILL -- YOU WILL NEARLY COMPLETE ITEM 44 FOR THE NEIGHBORHOOD PLAN. THERE WILL BE VERY FEW PROPERTIES WHERE THEY WILL BE -- THERE WILL BE A DECISION TO MAKE WITH THE PLAN, SO WE WILL MOSTLY BE TALKING ABOUT ONLY ITEM 51 AND -- AND WE DELETED THE TEXT OUT OF THE COLUMN FOR ITEM 44 WHERE YOU WON'T NEED THAT. WITH THAT, WHY DON'T I START WITH MOTION 1, AND THIS WOULD BE FOR BOTH THE NEIGHBORHOOD PLAN AND THE REZONINGS. WITH MOTION 1, YOU WOULD BE APPROVING THE NEIGHBORHOOD PLAN AND THE ASSOCIATED REZONINGS FOR ALL OF THE ITEMS THAT DON'T HAVE A VALID PETITION AND -- OR FOR ITEMS THAT YOU DID NOT PULL OUT LAST TIME TO HAVE INDIVIDUAL DISCUSSION ON, SO BASICALLY MOTION 1 IS EVERYTHING THAT DOES NOT HAVE ANY CONTROVERSY.

COUNCILMEMBER SLUSHER? I'M SORRY I THOUGHT THAT I SAW YOU RAISE YOUR HAND.

Mayor Wynn: OKAY. SORRY --

Slusher: GOOD PERIPHERAL VISION. HE SAW MOVEMENT.

Mayor Wynn: MY QUESTION, COUNCIL, IS THAT WE HAVE 16

FOLKS WHO SIGNED CARDS AND I WAS TRYING TO REMEMBER FRANKLY, I KNOW WE HAD CLOSED THE PUBLIC HEARING. I JUST CAN'T REMEMBER WHETHER WE HAD PERHAPS RESERVED ANY CARDS, I'M TRYING TO DETERMINE WHETHER ALL OF THE CITIZENS HAVE SIGNED UP AT THE PUBLIC HEARING ACTUALLY DID IN FACT SPEAK.

I BELIEVE SO.

I BELIEVE THAT WOULD BE THE CASE.

MAYOR?

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I THINK ONE OF THE THINGS THAT SEVERAL OF US NOTED LAST TIME WAS THAT IT WOULD BE HELPFUL AS WE CAME UP TO EACH OF THESE ISSUES SOMETIMES IF -- IF THE -- IF THE PEOPLE MAY WANT TO SPEAK TO THOSE BECAUSE WE WERE HAVING A HARD TIME PLACING THESE SPEAKERS WITH THE ACTUAL VOTES ON THESE.

OKAY, THANK YOU COUNCILMEMBERS. SO ESSENTIALLY, COUNCIL, WITHOUT OBJECTION, WE PROBABLY WILL RESERVE THE RIGHT TO -- TO HELP IDENTIFY FOLKS WHO MAY BE HERE ON PARTICULAR TRACTS. IF COUNCIL HAS QUESTIONS FOR THOSE NEIGHBORS, WHICH I SUSPECT WE WILL, WE CAN TAKE UP SOME PUBLIC TESTIMONY AT THAT TIME. OKAY, SO AGAIN THE MOTION -- THE FIRST MOTION IS -- IS THE NEIGHBORHOOD PLAN ITSELF. IT'S STRUCTURED IN SHUT A WAY AS TO TAKE ALL OF THE TRACTS THAT ESSENTIALLY DON'T HAVE ANY CONTENTION ALONG WITH THEM.

YOU CAN MAKE A JOINT MOTION FOR ITEM 44 AND 51 AND YOU COULD COVER BOTH THE NEIGHBORHOOD PLAN AND THE REZONINGS FOR ITEMS THAT HAVE NO -- NO CONTROVERSY.

OKAY. THANK YOU. AGAIN THE SECOND READING ONLY.

COUNCIL, I'LL -- ANY QUESTIONS OR COMMENTS, I'LL ENTERTAIN A MOTION, NUMBER 1, BOTH ITEM 44 OF THE

NEIGHBORHOOD PLAN AND ITEM 51 THAT CORRESPONDING REZONING.

Goodman: I WILL MOVE APPROVAL MAYOR ON BOTH OF THOSE ITEMS. FIRST AND SECOND.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM TO APPROVE MOTION 1 OF THE NEIGHBORHOOD PLAN AND ITEM 51 OF ZONING TRACTS AS IDENTIFIED SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.,.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 ON SECOND READING ONLY.

AS WE MOVE THROUGH, IF YOU WILL ALLOW ME, I CAN GIVE A ONE-MINUTE QUICK SUMMARY TO REFRESH YOUR MEMORY, THEN YOU CAN ALSO ASK QUESTIONS. NUMBER 2 NOTE THAT THERE'S NOTHING FOR ITEM 44, THIS WOULD ONLY RELATE TO ITEM 51, THE REZONINGS. AND THIS -- THIS IS TRACT 3 WHICH IS 6709 BURNET LANE, THE CURRENT USE IS THE APPLE MOVING COMPANY, WHICH IS A WAREHOUSING USE. THE -- THE STAFF AND PLANNING COMMISSION RECOMMENDATION IS FOR C.S.-M.U. WITH CONDITIONAL OVERLAY G, CONDITIONAL OVERLAY G DOES NOT IMPACT THE WAREHOUSING USE OR THE TWO OTHER USES THAT ARE MOST PROMINENT ON THAT STREET. AND THE PROPERTY OWNER IS ASKING TO NOT HAVE ANY CONDITIONAL OVERLAY. THEY WANT THE C.S.-M.U. WITH NO CONDITIONAL OVERLAY. THEY DIDN'T EXPRESS ANY SPECIFIC THINGS THAT THEY WANTED TAKEN OUT AND THEY WEREN'T HERE FOR FIRST READING AND I DON'T -- THEY ARE NOT HERE TODAY, EITHER.

Mayor Wynn: DO WE HAVE A COPY OF THAT PARTICULAR OVERLAY? NO?

IT WOULD BE ON YOUR PINK SHEET ON PAGE 3, IT'S LISTED AS LETTER G. MOST OF THE THINGS IN THAT CONDITIONAL OVERLAY ARE THE AUTOMOTIVE ORIENTED USES, SINCE

THIS IS OFF A MAJOR CORRIDOR, AND THE HEAVIER COMMERCIAL USES SINCE ITS OFF THE COMMERCIAL -- MAJOR CORRIDOR AND ADJACENT TO SINGLE FAMILY.

Mayor Wynn: YOU SAID THAT THE OWNER HAS -- HAS ESSENTIALLY NOT AGREED WITH THAT SPECIFIC OVERLAY, YET IS THERE TECHNICALLY A VALID PETITION ON THIS TRACT BECAUSE OF THAT?

YES. HE HAS A VALID PETITION. SO IT WOULD REQUIRE FOUR VOTES TODAY, SINCE IT'S SECOND READING. BUT AT THIRD READING WOULD REQUIRE SIX VOTES.

Mayor Wynn: RIGHT. OKAY. COUNCIL? AND JUST TO CONFIRM, IS THE OWNER HERE? IN CASE COUNCIL HAS QUESTIONS? OKAY. COMMENTS, COUNCIL, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON -- ON 2. WHICH IS FOR TRACT 3, 6709 BURNET LANE.

Dunkerley: MOVE APPROVAL OF PLANNING COMMISSION RECOMMENDATION NUMBER 4. ONE WIN COUNCILMEMBER DUNKERLY --

A.

Mayor Wynn: COUNCILMEMBER DUNKERLY MAKES MOTION 2 A THE PLANNING COMMISSION RECOMMENDATION FOR TRACT 3, 6709 BURNET LANE. I'LL SECOND THAT. FURTHER COMMENTS? DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. MOTION 2 A. I WILL GIVE YOU AN OVERVIEW, I'LL COMBINE NUMBERS 3 AND 4 BECAUSE THEY ARE BASICALLY EXACTLY THE SAME ISSUE. THESE ARE BOTH ON BURNET ROAD FOR BURNET ROAD THERE ARE CONDITIONAL OVERLAYS A AND B WERE APPLIED, COMPREHENSIVELY TO THE MAJOR CORRIDORS IN THIS AREA. OVERLAY A WAS FOR PROPERTIES NOT ADJACENT TO RESIDENTIAL, B FOR PROPERTIES THAT ARE ADJACENT TO RESIDENTIAL, AND THESE OVERLAYS ARE -- ARE JUST TO TRY TO PROHIBIT THE

HEAVIEST COMMERCIAL USES AND ENCOURAGE A MORE PEDESTRIAN ORIENTED MIXED USE REDEVELOPMENT IN THE FUTURE. FOR NUMBERS 3 AND 4, THESE ARE ADJACENT PROPERTIES ON BURNET ROAD. SO THE PLANNING COMMISSION RECOMMENDATION IS FOR C.S.-M.U. WITH CONDITIONAL OVERLAY B. JUST TO JOG YOUR MEMORY, THE AGENT ON THESE IS MICKEY BENTLEY, THE CURRENT USES ARE OFFICE WAREHOUSE ON ONE, AND PET GROOMING, LUMBER AND QUICK ICE RETAIL ESTABLISHMENT ON THE OTHER ONE AND INITIALLY THE PROPERTY OWNER AND THE AGENT WERE -- WERE OPPOSED TO ANY CONDITIONAL OVERLAY, THEY -- THEY MET WITH STAFF AND SIGNIFICANTLY REVISED THEIR REQUEST WHERE THEY ARE BASICALLY ACCEPTING THE CONDITIONAL OVERLAY EXCEPT FOR FOUR USES THAT THEY WANT TO MAINTAIN. SO IF YOU WENT WITH 3 A AND 4 A, THE PLANNING COMMISSION RECOMMENDATION, THAT WOULD BE -- THE CONDITIONAL OVERLAY AS -- AS IS ON THE REST OF THE MAJOR CORRIDORS, IF YOU WENT WITH 3 B AND 4 B, THAT WOULD BE THE PROPERTY OWNERS' ADJUSTMENT WHICH JUST TAKES FOUR USES ON OUT OF THAT CONDITIONAL OVERLAY AND THOSE FOUR WOULD BE CONSTRUCTION SALES AND SERVICE, COMMERCIAL BLOOD PLASMA CENTER, KENNELS AND VEHICLE STORAGE. THOSE ARE THE FOUR USES THAT THEY WANT THAT ARE LISTED IN THE C.O. SO THE OWNER'S REQUEST IS TO -- TO TAKE -- SO CONSTRUCTION SALES AND SERVICES WAS -- IS OTHERWISE A CONDITIONAL USE SO IT'S JUST SIMPLY PERMITTED.

THAT'S RIGHT.

Mayor Wynn: AND COMMERCIAL BLOOD PLASMA CENTER, KENNELS, VEHICLE STORAGE COME OUT OF THE PROHIBITED LIST AND ALSO ARE SIMPLY ALLOWED, THEY DON'T MOVE UP TO THE CONDITIONAL?

THEIR REQUEST THAT GOES WITH THEIR VALID PETITION IS FOR THOSE FOUR USES TO BE PERMITTED.

Mayor Wynn: OKAY. THANK YOU. QUESTIONS? COUNCIL?

Goodman: ONE, MAYOR? COULD I JUST ASK YOU TO POINT IT

OUT AGAIN, WHICH ONE IS THIS?

IT'S JUST SOUTH -- THE MAIN INTERSECTION IS KOENIG LANE. AND THIS IS JUST SOUTH ON THE EAST SIDE OF BURNET ROAD. IT HAS -- IT HAS RESIDENTIAL DIRECTLY BEHIND IT. IT'S TRACT 10 B ON YOUR MAP.

Mayor Wynn: IS THE PLANNING COMMISSION RECOMMENDATION ON THIS ALIGNED WITH STAFF'S ORIGINAL PLANNED RECOMMENDATION?

YES, TO GO WITH THE OVERLAY THAT WAS APPLIED COMPREHENSIVELY ON ALL OF THE MAJOR CORRIDORS.

Mayor Wynn: COUNCIL, UNLESS THERE'S FURTHER QUESTIONS I WILL ENTERTAIN A COMBINED MOTION 3 AND 4. SECOND READING ONLY.

Dunkerley: I DON'T KNOW, I WAS WAITING FOR THE MAYOR PRO TEM TO -- I WILL MAKE A MOTION.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerley: ON SECOND READING, FIRST OF ALL THIS IS ONE WHERE THERE WERE NO -- THERE WAS A REQUEST FOR NO CONDITIONS. I ASKED THE AGENT TO GET WITH THE OWNER AND SEE IF THEY COULDN'T AGREE TO ELIMINATE SOME OF THOSE USES, I WOULD LIKE ON SECOND READING TO GO WITH 3 B AND 4 B, SO THAT WOULD BE MY MOTION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER MCCRACKEN ON A COMBINED MOTION 3 AND 4 FOR BOTH 3 B AND 4 B ON SECOND READING ONLY. QUESTIONS? COMMENTS?

Goodman: COMMENT.

Mayor Wynn: MAYOR PRO TEM?

Goodman: I'M NOT SURE THAT I CAN DO THIS ON THIRD READING BECAUSE A COUPLE OF THEM BOTHER ME. SPECIFICALLY VEHICLE STORAGE, BUT FOR A SECOND READING I WILL VOTE WITH YOU. JUST SO THAT WE HAVE

TIME TO DISCUSS THIS.

PERHAPS HE CAN GET BACK WITH HIS OWNER AND WORK ON THAT.

I WOULD TEND TO AGREE WITH THE MAYOR PRO TEM'S COMMENTS AND PARTICULARLY THINKING ABOUT THE CONCEPT OF -- WHERE WE WOULD BE PERMITTING THREE OTHERWISE PROHIBITED USES. I WOULD LIKE TO CONSIDER, YOU KNOW, THAT CONDITIONAL STEP AS PERHAPS AN INTERIM FOR MAYBE A COUPLE OF THESE OTHERWISE PREVIOUSLY PROHIBITED USES. THAT'S MORE OF A STATEMENT -- THAT'S MORE OF A STATEMENT TO THE APPLICANT AND OWNER, FURTHER COMMENTS, QUESTIONS? MOTION IS ON THE TABLE AND SECONDED FOR COMBINED MOTION 3 B AND 4 B. ON SECOND READING ONLY. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 7-0 ON SECOND READING ONLY.

THAT TAKES US TO BASICALLY 5, 6 AND 7. THESE ARE THE THREE COMMERCIAL PROPERTIES ON CLAY AVENUE. CLAY AVENUE IS A RESIDENTIAL STREET ON THE NORTHERN PART OF THE STREET AND IT HAS THESE THREE COMMERCIAL PROPERTIES TOWARDS THE SOUTHERN END OF THIS STREET. WE WILL BRING IT UP FOR YOU ON THE MAP SO YOU CAN SEE IT. THE PROPERTIES IN THE BROWN COLOR ARE WHAT WE ARE REFERRING TO HERE. TRACT 15 B ON YOUR MAP.

Slusher: COULD YOU MOVE THAT MAP SO THAT I CAN SEE THIS ONE? THANK YOU. HE WILL JUST GIVE YOU THE OVERALL -- I WILL JUST GIVE YOU THE OVERALL ONE-MINUTE SUMMARY. THESE YOU MIGHT WANT TO TAKE ONE AT A TIME BECAUSE EACH ONE IS A LITTLE BIT DIFFERENT. THESE WERE ALL THREE OF THESE PROPERTIES WERE REZONED FROM SINGLE FAMILY TO COMMERCIAL IN 1961 AS PART OF THE EXPANSION OF THE STRIPLING BLAKE LUMBER COMPANY. AT THAT TIME, ALL OF THE PROPERTY WAS ZONED TOGETHER IN THIS COMMERCIAL WAS MEANT TO

DEEPEN THE COMMERCIAL. SUBSEQUENTLY THEY WERE SOLD OFF AND NOW THERE ARE PIECES ON CLAY AVENUE, WHICH IS A SMALLER RESIDENTIAL STREET THAT HAS THESE COMMERCIAL PROPERTIES FRONTING ON TO IT. THE PLANNING COMMISSION RECOMMENDATION FOR ALL OF THEM IS G.R.-M.U.-C.O. WITH CONDITIONAL OVERLAY C AND THE CONDITIONAL OVERLAY C BASICALLY REMOVES THE AUTOMOTIVE ORIENTED USES AND ANY OF THE OUTDOOR NUISANCE TYPE OF USES. THAT'S BASICALLY THE OVERVIEW FOR THE CLAY AVENUE.

Mayor Wynn: QUESTION, ARE ANY OF ON THE -- IS THE OWNERSHIP DIFFERENT BETWEEN -- BETWEEN THE 15 B, THOSE TRACT THAT FRONT CLAY, VERSUS I GUESS 15 A? ANY -- DOES EITHER --

ON 15 A, ACTUALLY, FOR NUMBERS 5 AND 7 ON YOUR LIST, THOSE THE OWNERSHIP ONLY FRONTS CLAY AVENUE. AND THEY DON'T HAVE OWNERSHIP BEHIND ON 15 A. NUMBER 6, WHICH IS 5510 AND 5600 CLAY, I CAN TAKE YOU THROUGH EACH ONE SEPARATELY SO I JOG YOUR MEMORY ON WHICH ONE EACH IS. THE MIDDLE ONE, NUMBER 6, THEY HAVE OWNERSHIP ALL THE WAY THROUGH, THEY DO HAVE BOTH FRONTAGE ON THE BURNET ADAMS SIDE, WHICH IS THE COMMERCIAL SIDE AND THE BACK SIDE, CLAY -- THE CLAY AVENUE RESIDENTIAL SIDE.

Mayor Wynn: AND ARE THE TRACTS, YOU KNOW, LEGALLY SUBDIVIDED? THAT IS AND/OR COULD BE LEGALLY SUBDIVIDED?

THEY ARE CURRENTLY LEGAL LOTS. EACH ONE ON CLAY ACE LEGAL IS A LEGAL LOT. IT COULD BE SOLD OFF AND HAVE ACCESS ONLY ON TO CLAY IF THE OWNER EVER DECIDED TO DO THAT. SO THEY NEVER RESUBDIVIDED TO MAKE IT ALL ONE TRACT WHERE IT'S OWNED ALL THE WAY THROUGH ONE PIECE OF PROPERTY. I ASSUME THEY COULD DO THAT.

Mayor Wynn: AND THE PROPERTY THAT IS MOTION NUMBER 6 THAT HAS FRONTAGE ON BOTH, IS IT A SINGLE LEGAL LOT? IS IT SEVERAL LOTS?

IT'S SEVERAL LOTS. IT'S ACTUALLY TWO LOTS THAT FRONT ON TO ADAMS AND TWO LOTS THAT FRONT ON TO CLAY.

Mayor Wynn: OKAY.

SO IT'S -- THE WHOLE PROPERTY, WHICH IS OWNED BY DUKE COVERT IS MADE UP OF FOUR LOTS, TWO FRONTING ON TO - - ON TO THE COMMERCIAL SIDE AND TWO FRONTING ON TO THE RESIDENTIAL SIDE.

ALL RIGHT.

SEVEN LOTS.

SEVEN SMALLER LOTS IS WHAT THE AGENT IS SAYING. AS I TAKE YOU THROUGH EACH 5, 6 AND 7 SEPARATELY, I THINK THAT I CAN CLEAR UP WHICH ONE WE ARE TALKING ABOUT IN EACH CASE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

I WON'T TAKE YOU THROUGH DETAIL OF IT, BUT THEY BASICALLY -- WHAT THEY WANT IS THE CS BASED ZONING TO STAND. THEY WANT THE SITE STANDARDS FOR CS SO THEY CAN DEVELOP TO THE CS SITE DEVELOPMENT STANDARDS. THEY WOULD BE WILLING TO ELIMINATE ALL OF THE CS USES EXCEPT FOR CONSTRUCTION SALES AND SERVICE, WHICH IS THE ONE USE THAT THEY NEED FOR THE BUSINESS THAT'S EXISTING THERE. AND THEY ALSO CAME UP WITH AN ADDITIONAL LIST OF USES THEY WOULD BE WILLING TO PROHIBIT BASED ON INPUT FROM THE NEIGHBORHOOD, AND THAT INCLUDES FUNERAL SERVICES, HOTEL-MOTEL, INDOOR ENTERTAINMENT, INDOOR SPORTS AND RECREATION, RESTAURANT AND THEATER. AND THEY ALSO HAVE JUST SENT A LETTER TODAY SAYING THAT THEY WOULD BE WILLING TO LIMIT THE COMMERCIAL REDEVELOPMENT TO A MAXIMUM OF 5,000 SQUARE FEET. SO THE MAIN THING THEY WANT IS THE CONSTRUCTION SALES AND SERVICE USE. IF YOU'RE FOLLOWING ALONG, THIS IS JUST AT THE -- THE FIRST PAGE AT THE BACK OF THE MOTION SHEET. ALL THAT IS LISTED THERE FOR YOU. AND THE RESIDENTS HAVE AN ALTERNATE PROPOSAL AND THEY DO NOT HAVE A VALID PETITION. I WANTED TO BE CLEAR ON THAT. BUT WE DID LIST IT ON YOUR MOTION SHEET AS ITEM

A.M. 5-C. AND THEY ARE ASKING FOR LR-MU ZONING WITH THE CONDITIONAL OVERLAY ITEMS VERY SIMILAR TO WHAT'S RECOMMENDED BY PLANNING COMMISSION. SO THIS ONE IS COMPLICATED. THE REST OF THEM HOPEFULLY WON'T BE AS COMPLICATED AS THIS.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: THIS PARTICULAR PROPERTY, THE OWNER HAS REALLY WORKED VERY WELL WITH THE NEIGHBORHOOD. AND I THINK AT THIS POINT, UNLESS SOMETHING'S CHANGED IN THE LAST FIVE MINUTES, THAT THERE'S SORT OF A BASIC AGREEMENT THERE WITH THE CS ZONING RESTRICTING ALL CS USES EXCEPT CONSTRUCTION SALES, ADDING SOME PROHIBITED GR USES AND THEN LIMITING THE REDEVELOPMENT TO 5,000 SQUARE FEET. SO EVEN THOUGH THE ORIGINAL PROPOSAL WAS LR, I THINK THAT THEY ARE NOW BASICALLY COMFORTABLE WITH THESE RESTRICTIONS THAT I THINK GIVES THEM A LOT OF PROTECTION FOR THAT NEIGHBORHOOD.

Mayor Wynn: AND SO IF THAT WERE TO BE THE CASE --

Dunkerley: I COULD MAKE A MOTION WHENEVER YOU'RE READY.

Mayor Wynn: CS ZONING, BUT ALL CS YIEWS, WITH THE -- USES, WITH THE EXCEPTION OF CONSTRUCTION SALES PROHIBITED. AND -- BUT THEN ADDING SOME ADDITIONAL PROHIBITED USES FROM THE GR CATEGORIES.

RIGHT. SOME ARE FROM THE LR CATEGORY. A FEW OF THEM ARE.

Mayor Wynn: FURTHER COMMENTS OR QUESTIONS? AND AGAIN, THIS IS 5508 CLAY AVENUE.

THAT'S RIGHT.

Mayor Wynn: I'LL ENTERTAIN A MOTION.

McCracken: MAYOR. DO WE HAVE -- DO WE NEED TO HAVE A

LIST OF THOSE PROHIBITED USES? OKAY.

Mayor Wynn: I'LL ENTERTAIN A MOTION.

Dunkerley: MY MOTION WOULD BE FROM CS TO CS-CO-NP,
WITH THE CONDITIONS AS OUTLINED PREVIOUSLY.

Mayor Wynn: I'M SORRY. DID I HEAR MU AS PART OF THAT AS
WELL?

Dunkerley: FOR SECOND READING NO MU.

MAYOR, I DIDN'T ANTICIPATE THE NO MU, SO THAT WOULD
REQUIRE A CHANGE TO ITEM 44 ON THAT ONE.

Dunkerley: WHICH ONE?

THE NEIGHBORHOOD PLAN, IT WOULD BE COMMERCIAL
RATHER THAN COMMERCIAL MIXED USE FOR THE LAND USE.
AND WE DIDN'T ANTICIPATE THAT ON THE MOTION SHEET.

Dunkerley: CS --

Mayor Wynn: MU.

Dunkerley: WELL, WOULD IT JUST BE CHANGED TO CS-CO-
NP? I THINK THAT'S WHAT I SAID.

THAT'S RIGHT. WITHOUT THE MIXED USE, ITEM 44 WOULD
HAVE TO BE --

THAT'S CORRECT FOR THE ZONING, BUT THEN WE HAVE TO -
- BEFORE WE DO THE ZONING, WE WOULD HAVE TO CHANGE
THE PLAN BECAUSE THE PLAN HAD A MIXED USE
COMPONENT IN IT. SO YOU WOULD HAVE TO GO STRAIGHT
COMMERCIAL ON THE PLAN FIRST.

Dunkerley: I SEE WHAT YOU'RE SAYING. OKAY. LET'S GO
BACK AND AMEND THE PLAN THEN TO CS.

COUNCILMEMBER, YOU COULD DO THAT ALL IN THE SAME
MOTION.

Dunkerley: AND FOR THE ZONING, CS-CO-NP, WITH THE RESTRICTIONS THAT WE'VE ADDED. AND THEN I HOPE THAT THE NEIGHBORHOOD AND THE OWNER WOULD LOOK AT THE MU AND SEE IF THIS IS NOT SOMETHING THAT'S REALLY SOMETHING THAT'S PREFERABLE FOR THE NEIGHBORHOOD. BUT I THINK IF THEY GET TOGETHER THIS WEEK, THEY'LL BE ABLE TO COME BACK WITH HOPEFULLY A JOINT RECOMMENDATION NEXT TIME.

Mayor Wynn: IF I CAN, COUNCILMEMBER, ALTHOUGH I GUESS WE DON'T HAVE A SECOND YET, IT SEEMS TO ME ALL ELEMENTS OF THE THREE -- GENERALLY, THE THREE OPTIONS THAT WERE PRESENTED TO US, THE PLANNING COMMISSION RECOMMENDATION I BELIEVE AN OWNER'S REQUEST AND WHAT I CALL THE RESIDENTS' REQUEST ALL INCLUDE THE MU DESIGNATION. AND I'M HESITANT TO NOT INCLUDE MU. EVEN THOUGH IT'S SECOND READING, THE NEIGHBORHOOD PLAN --

Dunkerley: LET'S GO WITH IT ON SECOND READING, BUT I THINK THE ORIGINAL NEIGHBORHOOD RECOMMENDATION WAS DONE BEFORE THEY REALLY UNDERSTOOD. AND I'M NOT SURE THAT WE REALLY UNDERSTAND RIGHT NOW ALL THE IMPLICATIONS OF MU. SO THEY'VE CHANGED THEIR MIND ON THAT. BUT IF WE CAN GO SECOND READING LIKE THIS AND THEN CONSIDER IT ON THIRD READING, AND THAT WAY WE DON'T HAVE TO GO BACK AND AMEND THE PLAN.

Slusher: I'LL SECOND THAT.

Mayor Wynn: OKAY. SO WE HAVE MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER SLUSHER TO APPROVE 5-B FROM CS -- THIS IS ON TRACT 15-B, 5508 CLAY AVENUE, FROM CS TO CS-MU-CO-NP, THE CONDITIONAL OVERLAY RESTRICTING ALL CS USES WITH THE EXCEPTION OF CONSTRUCTION SALES AND SERVICES, AND ADDITIONALLY PROHIBITING THE FOLLOWING GR USES, FUNERAL SERVICES, HOTEL-MOTEL, INDOOR ENTERTAINMENT, INDOOR SPORTS AND RECREATION, RESTAURANT, DRIVE-IN FAST FOOD, RESTAURANT GENERAL, RESTAURANT LIMITED, AND THEATER. FURTHER COMMENTS? MAYOR PRO TEM.

Goodman: I'VE GOT TO STUDY ON THIS ONE. I THINK WE MAY BE CHANGING THE WHOLE INTENT WITH NOT REALLY MUCH OF A TRADE-OFF. SO, AGAIN, FOR SECOND READING -- OKAY. THE MU WAS REALLY IMPORTANT. LET ME TAG ALONG ON THE MAYOR'S COMMENT THERE. YOU'RE TALKING ABOUT KEEPING CS. I THINK THAT MU IS IMPORTANT.

Mayor Wynn: FURTHER COMMENTS? THE APPLICANT'S AGENT IS HERE. ANY QUESTIONS FOR ANYBODY? PROBABLY SOME NEIGHBORS AS WELL, I TRUST.

[INAUDIBLE - NO MIC].

Mayor Wynn: I'M SORRY? [INAUDIBLE - NO MIC]

Mayor Wynn: YES, IT DOES. THE MOTION INCLUDES THAT THE REDEVELOPMENT OF ANY FUTURE COMMERCIAL WILL BE LIMITED TO NOT MORE THAN 5,000 SQUARE FEET. THANK YOU. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

Dunkerley: NOW I HAVE A QUESTION. I HAVE A QUESTION OF STAFF. IN ALL OF THESE ITEMS ON CLAY STREET, MY UNDERSTANDING IS THAT THE NEIGHBORHOOD HAS NOW CHANGED THEIR REQUEST OR CONSIDERING CHANGING THEIR REQUEST FOR THE MU BECAUSE OF SOME OF THE AREAS THEY FELT LIKE IT WOULD ADD TOO MUCH ADDITIONAL TRAFFIC ON A VERY FRAGILE STREET. IF IN FACT THEY HAVE CHANGED THEIR MIND AND THEY SUBMIT SOMETHING TO YOU PRIOR TO NEXT WEEK THAT WOULD CLEARLY IDENTIFY THIS, CAN YOU PUT IT ON THE SHEET IF THEY DO SO?

ABSOLUTELY.

Dunkerley: OKAY. THANK YOU. BECAUSE WE'RE GOING TO HAVE THE SAME PROBLEM FOR EACH ONE.

Mayor Wynn: SO MOTION 5-B PASSED ON A VOTE OF SEVEN

TO ZERO ON SECOND READING ONLY AS AMENDED. MOTION OF?

OTION 6?

MOTION 6 IS VERY SIMILARLY SITUATED. I'LL TELL YOU THIS ONE THE AGENT IS CHRIS CASPER. THE OWNER IS DUKE COVERT. THIS IS THE ANTIQUE SALES. IT'S CALLED THE COURTYARD SHOPS. IT'S SEVERAL ANTIQUE -- SEPARATE ANTIQUE DEALERS. WE HAVE PHOTOS HERE. THIS IS THE ONE WITH THE GATES ON CLAY AVENUE. MOSTLY THE FRONTAGE IS FROM THE BURNET ROAD SIDE, BUT THEY HAVE GATES THAT THEY DO DRIVEWAYS IN THE BACK THAT THEY DO OCCASIONALLY USE. THIS ONE THE PLANNING COMMISSION REQUESTED THE SAME AS THE ONE YOU JUST HEARD. THE RESIDENTS' REQUEST IS THE SAME AS THE ONE YOU JUST HEARD, BUT THE PROPERTY OWNERS REQUEST, THEY HAVE ALSO A VERY SPECIFIC REQUEST. THEY GAVE IT TO US TODAY JUST BEFORE THIS HEARING AND MAYBE HAVE A COPY OF THERE AS WELL. THEY HAVE A REVISED REQUEST WITH SOME ADDITIONAL USES THAT THEY'RE WILLING TO PROHIBIT. I CAN TAKE YOU THERE THAT IF YOU WANT ME TO. ONE THING TO POINT OUT ON THIS ONE IS ITS PROPERTY OWNER ALSO OWNS TRACTS ON 15-A, SO THEY OWN THESE PROPERTIES THAT HAVE FRONTAGE ON BOTH THE BURNET ROAD, THE COMMERCIAL SIDE, AND THE RESIDENTIAL SIDE. IT'S USED AS ONE DEVELOPMENT, EVEN THOUGH IT'S SEVEN DIFFERENT PIECES OF LAND.

Mayor Wynn: QUESTIONS, COMMENTS, COUNCIL?

Dunkerley: I'LL MAKE A COMMENT.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: THIS IS ONE WHERE I REALLY DON'T KNOW WHAT TO PROPOSE ON THIS ONE, BUT THE NEIGHBORHOOD AND THE OWNER HAVE BEEN TALKING. THE OWNER HAS AGREED, AS YOU SAID, TO SOME RESTRICTIONS. HE'S ALSO AGREED TO SPEND SOME FUNDS TO DO SOME SCREENING BEHIND THIS PROPERTY BECAUSE IT DOES IMPACT THE NEIGHBORHOOD AND IT IS A LITTLE UNSIGHTLY BACK THERE. I THINK THAT WOULD BE A HELP. BUT I DON'T KNOW

THAT THEY'RE CLOSE TO HAVING A CONSENSUS YET, SO I DON'T KNOW EXACTLY WHAT MOTION TO MAKE, SO I MAY LOOK TO MY COLLEAGUES.

Slusher: YEAH. I WOULD MAKE THE --

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: I WOULD MOVE THE NEIGHBORHOOD RECOMMENDATION. NUMBER C.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO APPROVE MOTION 6-C. THIS IS TRACT 15-B, 5510 AND 5600 CLAY AVENUE FROM CS TO LR-MU-CO-NP, CONDITIONAL OVERLAY D, THREE PROHIBITED USES. SECONDED BY THE MAYOR PRO TEM. FURTHER DISCUSSIONS? COMMENTS? I WILL SAY I WILL AGREE WITH THIS AS WELL, BUT I DO WANT TO -- BETWEEN SECOND AND THIRD READING JUST THINK SORT OF THROUGH FRANKLY THE SLIGHT INCONSISTENCY AT LEAST FROM THE SUPERFICIAL OF HAVING THE CS NEXT DOOR. THIS TRACT IS NEXT DOOR TO WHAT WE JUST APPROVED.

CORRECT, JUST TO THE NORTH.

Mayor Wynn: EVEN THOUGH IT'S LIMITED TO ONE CS USE, IT'S GOING TO BE A CS SORT OF DEVELOPMENT REGULATIONS NEXT DOOR TO THE LR. FURTHER COMMENTS, QUESTIONS? COMK?

McCracken: I THINK THE BIG DIFFERENCE IS THAT THE USE ON -- ON 5510 AND 5600 HERE IS OF A LITTLE -- IS A LOT MORE INCOMPATIBLE WITH THE NEIGHBORHOOD. AND I THINK THE NEGATIVE CONTRIBUTION TO THE QUALITY OF LIFE IN THE NEIGHBORHOOD IN A WAY THAT THE PREVIOUS ONE DID NOT. SO I THINK ABSENT SOME GREATER COMMITMENT BY THE OWNER TO HELP CONTRIBUTE TO THE QUALITY OF THAT NEIGHBORHOOD, I'M GOING TO SUPPORT THIS MOTION.

Mayor Wynn: FURTHER COMMENTS? MOTION AND A SECOND MADE TO APPROVE MOTION 6-C. ALL THOSE IN FAVOR,

PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO ON SECOND READING.

NUMBER 7 IS JUST TO THE NORTH OF THE PROPERTY WE JUST DISCUSSED. THIS IS 5602 CLAY. THIS ONE IS ONE SINGLE PROPERTY. IT ONLY HAS PROPERTY ON TO CLAY. THE OWNER DOESN'T OWN THE PROPERTY BEHIND IT. THE OWNER IS MARK CASHMAN. THE USE IS AN OFFICE WAREHOUSE AND THIS IS THE ONE THAT HAS FOUR SMALL UNITS WITH GARAGE DOORS. THEY'RE A SMALL OFFICE AND A SMALL WAREHOUSE. EACH UNIT IS APPROXIMATELY 1200 SQUARE FEET. THE PICTURES ON THE SCREEN THERE. THE PLANNING COMMISSION RECOMMENDATION IS THE SAME, GR-MU-CO, WITH THE COC. THE NEIGHBORHOOD RECOMMENDATION IS THE SAME. ON THIS ONE THE PROPERTY OWNER DOES NOT -- THEY'RE REQUESTED TO NOT HAVE A CONDITIONAL OVERLAY ON THIS PROPERTY, CS-MU IS WHAT THE PROPERTY OWNER REQUESTS AND HE DOES HAVE A VALID PETITION.

Mayor Wynn: AGAIN, THE NEIGHBORS OR THE RESIDENTS DON'T HAVE A VALID PETITION THE OTHER DIRECTION?

THAT'S RIGHT.

Mayor Wynn: COMMENTS, QUESTIONS OF STAFF?
COUNCILMEMBER DUNKERLEY.

Dunkerley: I HAVE JUST A GENERAL QUESTION. I'D LIKE TO ON SECOND READING MAKE A PROPOSAL FOR THE NEIGHBORHOOD RECOMMENDATION, WHICH WOULD BE 7-C, BUT I HAVE A REQUEST OF STAFF. I'VE BEEN OUT AND LOOKED AT THAT PROPERTY. IT IS VERY MUCH LIKE AN OFFICE PROPERTY. AND I'M NOT SURE THAT IT'S SOME KIND OF AN OFFICE, EITHER A G.O. OR SOMETHING, WOULDN'T ALSO BE SOMETHING THAT YOU ALL MIGHT GO LOOK AT. I KNOW YOU'VE DONE SOME LOOKING AT IT, BUT IT REALLY -- IT REALLY LOOKS LIKE AN OFFICE, IT ACTS LIKE AN OFFICE, AND IT -- I'D APPRECIATE YOU LOOKING AT IT, OKAY? SO MY

MOTION WOULD BE TO GO AT THIS POINT WITH THE 7-C.

Slusher: SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER SLUSHER TO APPROVE MOTION 7-C. THIS IS TRACT 15-B, 5602 CLAY AVENUE, MOTION IN 7-C BEING FROM CS TO LR-MU-CO-NP, WITH CONDITIONAL OVERLAY D. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON -- MOTION 7-C PASSES ON A VOTE OF SEVEN TO ZERO ON SECOND READING.

OKAY. NUMBER 8 IS JUST UP THE STREET FROM HERE. IT'S A LITTLE FURTHER TO THE NORTH. IT'S ON THE EAST SIDE. IT'S 5611 CLAY AVENUE. THE OWNER IS MIKE O'DELL. IT'S CURRENTLY USED FOR AN OFFICE. AND THIS IS THE ONE THAT WAS REZONED FROM SINGLE-FAMILY TO OFFICE IN THE LATE SCIKT'S FOR A CHURCH, IF THAT JOGS YOUR MEMORY. THE PLANNING COMMISSION RECOMMENDATION IS N.O.-M.U. THE PROPERTY OWNER HAS A VALID PETITION AND WANTS TO MAINTAIN THE L.O. ZONING THAT'S EXISTING AND ADD THE MU, AND THE -- ON THIS ONE THE NEIGHBORHOOD HAS A VALID PETITION AS WELL, SO THERE ARE TWO VALID PETITIONS ON THIS ONE. AND THE NEIGHBORHOOD -- THE REQUEST IS FOR NOTHING OTHER THAN A CHANGE TO SF-3, SO TECHNICALLY THAT MEANS THE NEIGHBORHOOD'S PETITION IS FOR NO CHANGE TO THE LO UNLESS IT'S TO SF-3. BECAUSE THEY CAN ONLY PETITION AGAINST A PROPOSED ZONING CHANGE. THEY CAN'T PETITION FOR SF-3. SO THEIR PETITION IS AGAINST LO AND THEY WOULD ONLY SUPPORT A CHANGE TO SF-3. SO THAT'S THE SUMMARY ON THAT ONE.

Mayor Wynn: AND AGAIN, SO EXPLAIN THE VALID PETITION FROM THE OWNER'S STANDPOINT IS HIS OR HER VALID PETITION STANDS UNLESS THERE'S ANY CHANGE OR UNLESS THE VALID PETITION IS DOCUMENTED AS HAVING SOME MOVEMENT?

THE VALID PETITION SAYS THAT THEY OPPOSE ANY CHANGE TO THE ZONING CLFKS OTHER THAN -- CLASSIFICATION

OTHER THAN LO OR LO-MU.

Mayor Wynn: AND NP PERHAPS?

AND NP.

[INAUDIBLE - NO MIC]

Mayor Wynn: SORRY, SIR. COUNCIL MAY HAVE A QUESTION FOR YOU. ARE YOU THE OWNER OR A NEIGHBOR?

Thomas: I'LL ASK A QUESTION. IS IT O'DELL?

Mayor Wynn: APPROACH THE PODIUM, PLEASE, SIR. COUNCILMEMBER THOMAS HAS A QUESTION.

Thomas: SO WHAT WAS NOT CORRECT THAT THE STAFF WAS SAYING?

WELL, THE PETITION IS TO AGREE WITH THE PLANNING COMMISSION TO DO THE N.O.-M.U. AND YOU HAVE AN ORANGE FOLDER WHICH HAS THAT IN THERE.

Mayor Wynn: TECHNICALLY THEN THIS ESSENTIALLY ISN'T A -
- I DON'T KNOW HOW TO CHARACTERIZE THIS, IT SOUND LIKE THE OWNER IS AGREEING WITH THE PLANNING COMMISSION RECOMMENDATION?

YES.

IF THAT WAS THE CASE, MAYBE WE HAVE AN OLD LETTER THAT HAS THE LO ON IT OR MAYBE -- I DON'T KNOW WHAT THE CONFUSION IS. WE CAN SORT IT OUT BEFORE THIRD READING. BUT IF THEY'RE OKAY WITH NO-MU, THEN THEIR PETITION WOULD ONLY APPLY TO ANY CHANGE OTHER THAN ANY CHANGE MORE RESTRICTIVE THAN NO-MU.

Mayor Wynn: AND REMIND ME, MR. O'DELL, WE PROBABLY HAVE SOME MORE QUESTIONS FOR YOU. SO TECHNICALLY BECAUSE IT'S NO-MU, THE PLANNING COMMISSION DIDN'T ACTUALLY PUT A CONDITIONAL OVERLAY ON THIS ONE TRACT, CORRECT?

THAT'S RIGHT.

Mayor Wynn: BUS NO HAS INHERENTLY SOME RESTRICTIONS AS TO DEVELOPMENT STANDARDS AND ALL THAT.

IT HAS VERY MODEST DEVELOPMENT STANDARDS AND ALLOWS ONLY VERY FEW USES.

Mayor Wynn: RIGHT. OFTEN TIMES IT'S GENERALLY EFFECTIVELY AN EXISTING -- AN OLDER HOUSE STRUCTURE IS JUST USED FOR OFFICE USES.

THAT'S CORRECT. SINCE IT ONLY ALLOWS 35% BUILDING COVERAGE, IN MOST CASES IT DOESN'T MAKE ECONOMIC SENSE TO KNOCK SOMETHING DOWN AND REBUILD BECAUSE THE VALUE IS NOT THERE. SO IT'S TYPICALLY A HOUSE THAT JUST CONVERTS TO AN OFFICE.

Mayor Wynn: IT GENERALLY JUST THE USE WITHIN THE HOUSE, NOT ADDITIONAL CONSTRUCTION OR MORE LOT COVERAGE?

IN MOST CASES.

Dunkerley: ONE QUESTION.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: STAFF, I GUESS IN '66 OR WHENEVER THE CHURCH WAS BUILT, WAS THERE A RESTRICTIVE COVENANT AT THAT TIME WITH EITHER THE CITY OR THE NEIGHBORHOOD? HAVE YOU BEEN ABLE TO DETERMINE THAT?

WE HAVEN'T CONFIRMED THE RESTRICTIVE COVENANT, BUT OUR UNDERSTANDING FROM SOME OF THE NEIGHBORHOOD FOLKS IS THAT THERE IS A RESTRICTIVE COVENANT THAT THE CITY'S NOT A PARTY TO. AND MAYBE ONE OF THEM SHOULD COME UP. BUT IT STATES THAT IF IT WERE TO BE USED FOR ANYTHING OTHER THAN, I BELIEVE, ADMINISTRATIVE OFFICE OR A MEDICAL OFFICE THAT IT WOULD REVERT TO SF-3. WE WEREN'T ABLE TO CONFIRM

THAT.

Dunkerley: CAN ANYONE IN THE NEIGHBORHOOD CONFIRM IT?

Mayor Wynn: SO NO CONFIRMATION. FURTHER QUESTIONS OF THE OWNER, NEIGHBORS, STAFF, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON -- I'LL ENTERTAIN ONE OF THE NUMBER 8 MOTIONS.

Slusher: I MOVE 8-C.

Mayor Wynn: I'M SORRY, 8-C BEING?

Slusher: [INAUDIBLE]

Mayor Wynn: LO TO MF -- MOTION 8-C MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER QUESTIONS? COMMENTS?

Thomas: MAYOR. IS THAT WHAT THE OWNER WAS -- OKAY. I SEE.

Mayor Wynn: MOTION FOR 8-C IS -- HAS A CHARACTERIZATION THE NEIGHBORS REQUEST. AND SO THIS -- I'M SORRY?

Slusher: I WAS JUST ANSWERING HIS QUESTION.

Mayor Wynn: SO THIS WOULD FACE -- THIS MOTION WOULD FACE A VALID PETITION VOTE ON THIRD READING?

Thomas: RIGHT. THERE'S NO ONE HERE FROM THE NEIGHBORHOOD TO CLARIFY WHAT THEY WERE TRYING TO DO, RIGHT?

Mayor Wynn: I THINK THERE'S A NEIGHBOR TOO.

Thomas: THEY'RE MAKING HEADS.

Mayor Wynn: WOULD SOMEBODY MIND? THANK YOU.

GOOD EVENING, COUNCIL, I'M RICHARD BROCK FOR THE BRENTWOOD NEIGHBORHOOD ASSOCIATION. DEPENDING ON WHAT YOU WANT CLARIFIED I MAY NOT BE ABLE TO HELP YOU BECAUSE TONIGHT'S THE FIRST I EVER HEARD ABOUT A RESTRICTIVE COVENANT. AND APPARENTLY THE WOMAN WHO DID OUR RESEARCH ISN'T HERE THIS EVENING, SO I CAN'T CLEAR THAT UP FOR YOU, AND I'M AFRAID NO ONE ELSE CAN EITHER TONIGHT.

Slusher: I THINK WHAT COUNCILMEMBER THOMAS WAS TALKING ABOUT, MAYBE YOU OR SOME OF THE IMMEDIATE NEIGHBORS, BUT WHY THE NEIGHBORHOOD WANTED TO SUPPORT SF-3 RATHER THAN NO-MU-NP?

THAT I CAN HELP YOU WITH. THE ORIGINAL STAKEHOLDERS RECOMMENDATION WAS WITH MF-3 BECAUSE WE FELT LIKE THAT ONE LOT REPRESENTED SOME SPOT ZONING IN WHAT WAS OTHERWISE SF-3. STAFF ALSO RECOMMENDED SF-3 FOR THAT PROPERTY. MY RECOLLECTION IS THAT BY THE TIME WE GOT TO THE PLANNING COMMISSION, I THINK THEY OFFERED NO ZONING AS A COMPROMISE. THEY TOOK IT DOWN, BUT THEY DIDN'T TAKE IT ALL THE WAY DOWN TO SF-3. SO OUR POSITION IS THAT WE FEEL LIKE THIS PROPERTY, SHOULD IT EVER BE REDEVELOPED OR, YOU KNOW, A NEW USE COULD EASILY BE A HOME AGAIN BASED ON THE WAY IT LOOKS, ITS POSITION, THE WAY IT SITS ON THE STREET. IF YOU'VE DRIVEN DOWN THE STREET YOU MIGHT NOT EVEN KNOW IT'S A BUSINESS BECAUSE OF THE SHAPE OF THE BUILDING, THE CONTOUR OF THE ROOF. SO FOR US IT WAS A NO BRAINER TO ASK FOR AND SUPPORT ALL ALONG SF-3 ON THAT PARTICULAR PROPERTY FOR THOSE REASONS. DOES THAT HELP?

Thomas: COULD YOU EXPLAIN WHAT -- IT HELPS, BUT IT'S NOT HELPING ME ON UNDERSTANDING.

Slusher: MAYOR, THIS ONE --

Mayor Wynn: GO AHEAD.

Slusher: THIS ONE IS ON THE OPPOSITE SIDE OF THE STREET FROM THESE THAT BACK UP TO BURNET ROAD, CORRECT?

THAT'S CORRECT. THAT WOULD MAKE IT THE EAST SIDE OF THE STREET.

Slusher: AND IT'S GOT SINGLE-FAMILY ON EACH SIDE?

CORRECT.

Slusher: THAT'S WHAT I'M THINKING, COUNCILMEMBER.

AND ALSO ACROSS THE STREET IF I'M NOT MISTAKEN. SO IT'S BASICALLY ALL FOUR SIDES THERE'S SF-3 PROPERTY.

Mayor Wynn: THANK YOU, SIR.

Thomas: ONE MORE QUESTION. WHAT DO YOU HAVE THERE NOW?

IT'S A TILT WALL BUILDING, CONCRETE BUILDING. AND IN 1971 IT WAS ZONED LO FOR OFFICE USE. AND IT HAS BEEN USED AS AN OFFICE EVER SINCE THEN. AND WE JUST WANT TO MAINTAIN THE NEIGHBORHOOD OFFICE. AND WE HAVE SIGNATURES FROM BOTH NEIGHBORHOODS, WHO ARE DUPLEXES, THAT THEY DID NOT WANT ANOTHER DUPLEX, THEY WANTED A SMALL NEIGHBORHOOD OFFICE. SO IT JUST SEEMED LIKE THE NEIGHBORS WANT THE SMALL OFFICE BECAUSE THEY DON'T WANT ANOTHER DUPLEX ON THE STREET BECAUSE DUPLEXES ARE NOT DOING TO INHANS -- ENHANCE THE NEIGHBORHOOD.

Slusher: I'LL TAKE ANOTHER LOOK AT THIS BEFORE THE FINAL READ.

Mayor Wynn: I AGREE, PARTICULARLY SINCE WE'RE FACING A VALID PETITION IN BOTH DIRECTIONS. AND STAFF HAS CONFIRMED, SO WITH SF-3 ZONING, A DUPLEX COULD IN FACT BE BUILT WITHOUT COMING TO -- NO ZONING CHANGE OR ANY -- IF IT'S DESIGNED CORRECTLY, NO ADMINISTRATIVE VARIANCE IS NEEDED FOR A DUPLEX TO BE BUILT ON THAT PROPERTY.

THAT'S RIGHT.

Mayor Wynn: FURTHER QUESTIONS? COMMENTS?

Thomas: ONE MORE QUESTION AND I'LL LET IT GO. I'M GOING TO VOTE AGAINST IT. SO IF WE GO TO THE SF-3, NP, WHAT THE NEIGHBORS WANT, AND HE HAS A BUSINESS THERE ALREADY, CAN HE OPERATE UNDER THE BUSINESS, BUT HE JUST CAN'T WITH THE SF-3, NP. WHAT HE'S DOING THERE NOW IS -- THERE'S NO RESTRICTION ON IT?

HE WOULD BE ABLE TO CONTINUE THE OFFICE USE THAT'S THERE INDEFINITELY UNTIL HE VAI INDICATES THAT USE. AND IT WOULD BE -- AFTER THAT USE GOES AWAY, THE NEW USES THAT COME IN WOULD HAVE TO CONFORM WITH THE NEW REGULATIONS. SO REDEVELOPMENT WOULD BE OF A SINGLE-FAMILY NATURE. BUT THE OFFICE CAN STAY INDEFINITELY.

COUNCILMEMBER, THERE IS A TIME -- THERE'S A TIME LIMITATION, AND THAT IS IF THE OFFICE USE CEASES FOR MORE THAN 90 DAYS, THEN IT'S NO LONGER -- RIGHT NOW IT WOULD BE A NON--- IF THIS WAS A DOWN ZONE, IT WOULD BECOME A NONCONFORMING USE. THERE ARE SOME ADDITIONAL LIMITATIONS ON WHAT ONE CAN DO ABOUT EXPANSION, SO ON AND SO FORTH ON NONCONFORMING USE, BUT THE CURRENT USE WOULD BE ALLOWED AND WOULD BE ALLOWED TO CONTINUE, ONLY IF THERE WAS A HIATUS PERIOD FOR 90 DAYS AND THEN IF THAT -- IF THAT OCCURRED, THEN IT WOULD HAVE TO BE TO SINGLE-FAMILY USE.

Mayor Wynn: IS THAT INDEPENDENT OF THE OWNER? THAT IS, IT'S THE USE ITSELF THAT -- IT'S A LEGAL, NONCONFORMING USE?

THAT'S CORRECT. IT'S THE USE. FOR EXAMPLE, IF THE OWNER IS LEASING THIS OUT TO AN OFFICE, AN OFFICE KIND OF REGIME, A SMALL INSURANCE COMPANY, THAT INSURANCE COMPANY VAI INDICATES, AND THAT BUILDING REMAINS VACQ 90R8C @&Cu GONE FOR 90 DAYS. IT THEN HAS TO BECOME A HOUSE. IF WITHIN THAT 90 DAY PERIOD HE LEASES IT TO ANOTHER OFFICE USE, YOU KNOW, A SMALL COPIER PLACE, I GUESS, THEN THAT

NONCONFORMING USE CONTINUES.

Mayor Wynn: AND IF IT'S AN OWNER OCCUPIED OFFICE USE AND THE OWNER SELLS THE PROPERTY TO ANOTHER OFFICE USE, THAT'S STILL -- THAT STILL CONTINUES THE PERPETUAL --

YES, SIR. IT HAS NOTHING DO WITH OWNERSHIP, IT HAS DO WITH USE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR OF MOTION 8-C, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

Thomas: NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 6 TO 1 WITH COUNCILMEMBER THOMAS VOTING NO ON SECOND READING ONLY.

NUMBER 9 IS A SIMILAR SITUATION IN A DIFFERENT PART OF THE NEIGHBORHOOD. THIS IS TRACT 51. IT'S AT 5006 GROVER. THE AGENT ON THIS ONE IS GARY BOULDIN. THE USE APPEARS TO BE A DUPLEX. MOST -- ALL THE RECORDS THAT WE COULD FIND, INCLUDING THE PHONE BOOK, MADE IT LOOK LIKE A DUPLEX. THE OWNER STATES THAT THERE IS AN OFFICE IN THERE. IT'S THE SAME SITUATION AS THE ONE BEFORE. IT CURRENTLY HAS LO ZONING. THE PLANNING COMMISSION RECOMMENDATION IS TO REZONE TO SF-3 BECAUSE IT'S IN A PRIMARILY SINGLE-FAMILY AREA. THIS ONE IS A LITTLE BIT DIFFERENT IN THAT IT IS ON A CORNER AND ACROSS THE STREET IS THE TEXAS DEPARTMENT OF HEALTH, JUST TO GIVE YOU -- IT'S THE MAIN BUILDING FOR THE TEXAS DEPARTMENT OF HEALTH. HOWEVER, EVERY OTHER PROPERTY ON THAT WEST SIDE OF THE STREET IS SINGLE-FAMILY, SO THIS WOULD BE THE ONLY ONE. PLANNING COMMISSION IS SF-3 AND THE OWNER HAS A VALID PETITION AND IS REQUESTING NOTHING LOWER THAN

N.O.-M.U.

Mayor Wynn: OKAY. AGAIN, THIS IS TRACT 51, 50065006 GROVER. AND STAFF ALSO RECOMMENDED THE SF-NP AND SO DID SORT OF THE NEIGHBORHOOD PLANNING TEAM, STAFF AND RESIDENTS AND OWNERS COMBINED. THAT WAS AGREED TO BY THE PLANNING COMMISSION, BUT THE OWNER HAS THE VALID PETITION.

RIGHT.

Mayor Wynn: COMMENTS, QUESTIONS OF STAFF?
COUNCILMEMBER MCCRACKEN?

McCracken: COULD YOU GIVE ME ANY EXPLANATION?

STAFF'S RECOMMENDATIONS, WE ATTEMPT TO BE COMPREHENSIVE, SO IF EVERY OTHER CORNER ACROSS THE STREET FROM THE TEXAS DEPARTMENT OF HEALTH ON THIS STREET AND EVERYTHING ELSE IN THE AREA IS SINGLE-FAMILY, WE ATTEMPT TO TREAT ALL LIKE PROPERTIES IN A LIKE MANNER. AND THIS ONE WAS ONE WHICH WAS TREATED DIFFERENTLY AT SOME TIME IN THE PAST. I THINK IT WAS IN THE '70'S. THE TEXAS DEPARTMENT OF HEALTH HAD IT REZONED FOR A TDH CREDIT UNION, AND THAT WAS DONE ON KIND OF A PIECEMEAL BASIS. SO THE STAFF RECOMMENDATION AND WHAT PLANNING COMMISSION APPROVED WAS TO MAKE IT LIKE EVERY OTHER PROPERTY IN THAT AREA. THIS ONE IS A LITTLE BIT DIFFERENT FROM THE ONE BEFORE BECAUSE IT IS ON A CORNER AND HAS A MORE INTENSIVE USE ACROSS THE STREET. AND UNFORTUNATELY, WE DON'T HAVE A PICTURE OF THIS ONE.

McCracken: WHAT IS THE INTENSE OF USE -- WHAT'S THE INTENSE OF USE ACROSS THE STREET AND WHAT IS THE USE IN THE DUPLEX CURRENTLY THAT THE OFFICE USES?

THE OWNER STATES THAT THERE IS A TILE COMPANY THAT IS USING IT AS THEIR ADMINISTRATIVE OFFICE WHERE THEY -- WHERE THEY WOULD TAKE CALLS AND DO FAXES AND E-MAILS FOR BUSINESS FOR THE TILE COMPANY. WHEN WE LOOKED AT IT AND RESEARCHED THE UTILITY DATA AND THE

TCAD DATA, EVERYTHING CAME UP DUPLEX, BUT THAT DOESN'T MEAN THAT THE OWNER'S NOT CORRECT. AND ON ALL THE INFORMATION WE HAD -- WE DIDN'T HAVE THE OWNER'S REQUEST UNTIL AFTER PLANNING COMMISSION.

McCracken: IS THE OWNER HERE?

I DON'T BELIEVE HE'S HERE.

McCracken: IS THIS LIKE AN UP AND DOWN DUPLEX OR SIDE BY SIDE?

I'M AFRAID I DON'T KNOW THE CONFIGURATION OF THIS DUPLEX.

McCracken: YOU MAY HAVE TOLD ME, I'M SORRY, WHAT'S THE USE ACROSS THE STREET?

IT'S THE TEXAS DEPARTMENT OF HEALTH MAIN BUILDING WHERE THE TDH OFFICES ARE. IT'S PROBABLY AN EIGHT-STORY BUILDING. MAYBE 10. TECH.

McCracken: AT THE TIME THAT THE CURRENT OWNER PURCHASED THE PROPERTY, WAS IT ALREADY BEING USED AS AN OFFICE ON THAT SIDE?

I DON'T KNOW THAT. HE PURCHASED IT FROM THE TEXAS DEPARTMENT OF HEALTH IN THE '80'S. I'M NOT SURE IF THEY EVER PUT A CREDIT UNION ON IT. I THINK THAT WAS THEIR INTENTION, BUT IT'S THE SAME STRUCTURE IT LOOKS TO US THAT WAS ALWAYS THERE. I THINK THEY ABANDONED THOSE PLANS ON THE PROPERTY.

Mayor Wynn: AND APPARENTLY IT'S NOT PERFECTLY APPARENT, BUT THE CURRENT USE, IF IN FACT IT IS SOME TYPE OF ADMINISTRATIVE OFFICE, IF IT WERE TO BE REOWNED TO N.O.-M.U.-N.P. AS THE OWNER IS REQUESTING, IS IT LIKELY THAT THAT USE THEN IS FULLY LEGAL, FULLY COMPLIANT AS A CASE WHERE EVEN PERHAPS THE OWNER'S REQUEST IS SLIGHTLY MORE RESTRICTIVE THAN WHAT'S ON THE GROUND TODAY?

THAT WOULD JUST BE AN ADMINISTRATIVE OFFICE, WHICH

WOULD BE ALLOWED IN N.O.

Mayor Wynn: BUT AS AN EXAMPLE, IF THE INDIVIDUAL TRACT IS -- HAS MORE BUILDING COVERAGE, MORE IMPERVIOUS COVER, THEN IT'S NOT LIKE IT HAS MORE HEIGHT THAN N.O. THAN EVEN THOUGH THE USE IS LEGITIMATE, IF IT'S EVER REDEVELOPED FOR THAT SAME USE, IT HAS TO BECOME COMPLIANT TO THE N.O. STANDARDS?

RIGHT. AND IT LOOKS -- IT SEEMS TO US THAT IT IS COMPLIANT SINCE IT WOULD JUST BE A RESIDENTIAL. I DON'T THINK THEY WOULD HAVE MORE THAN 45% IMPERVIOUS COVER ON IT.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS ON TRACT 51, 5006 GROVER AVENUE? IF NOT, I'LL ENTERTAIN A MOTION ON NUMBER 9.

Alvarez: MAYOR, MOVE PLANNING COMMISSION RELIGIOUS. RECOMMENDATION.

Mayor Wynn: MOTION 9-A MADE BY COUNCILMEMBER ALVAREZ. I'LL SECOND THAT. FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: ALTHOUGH, YES, THIS TIME I'LL RELOOK AT THAT IF THE OWNER HAS ENOUGH INTEREST TO COME NEXT TIME OR THE AGENT TO SPEAK TO IT.

Mayor Wynn: FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION 9-A PASSES ON A VOTE OF SEVEN TO ZERO ON SECOND READING.

IF WE COULD GO BACK, I JUST NOTICED THAT BOTH ON 8-C, THERE IS A PLAN. THAT VOTE NEEDED TO BE FOR BOTH THE PLAN AND THE ZONING. AND FOR 9-A IT NEEDS TO BE ON BOTH THE PLAN AND THE ZONING BECAUSE THIS IS WHERE WE HAVE TEXT IN THE BLOCK.

Mayor Wynn: THANK YOU VERY MUCH. SO JUST TO BE -- COUNCIL, I'LL ENTERTAIN A MOTION -- WE'RE STILL ON THE MAIN ITEM. I'LL ENTERTAIN A MOTION TO RECONSIDER MOTION 8.

Slusher: SO MOVE.

Mayor Wynn: I'LL SECOND THAT TO RECONSIDER MOTION 8. ALL IN FAVOR? OPPOSED? WE ARE NOW BACK ON MOTION 8.

IT WOULD BE 8- C.

Mayor Wynn: I'LL ENTERTAIN A MOTION ON NUMBER 8, THAT WILL INCLUDE ITEM 44, THE NEIGHBORHOOD PLAN, AS WELL AS 51, THE ZONING CHANGE.

Alvarez: I MOVE, MAYOR, FOR 8-C ON BOTH.

Mayor Wynn: THANK YOU. MOTION 8-C, COMBINED MOTION 8-C MADE BY COUNCILMEMBER ALVAREZ, I'LL SECOND THAT. ALL IN FAVOR? OPPOSED? COUNCILMEMBER THOMAS VOTED NO EARLIER. DO YOU WANT TO KEEP YOUR NO VOTE ON MOTION 8-C? YES. SO THIS NEW, REVISED COMBINED MOTION 8-C PASSES ON A VOTE OF 6 TO 1 ON SECOND READING ONLY WITH COUNCILMEMBER THOMAS VOTING NO.

AND ON 9-A --

Mayor Wynn: WITHOUT OBJECTION, I'LL JUST CONFIRM THAT THE MAKER AND SECOND OF THE MOTION INCLUDED THAT TO BE THE COMBINED ITEM 44 AND 51, MOTION 9-A,.

Alvarez: THAT'S CORRECT.

Mayor Wynn: I'LL AGREE WITH THAT AS WELL. SO THAT TAKES US TO MOTION 10.

I CAN GIVE YOU A QUICK RECAP OF BOTH 10 AND 11 SINCE THEY'RE ADJACENT PROPERTIES. THESE ARE TWO OF THE REQUESTS TO MAINTAIN CS-1 ZONING. NUMBER 10 IS 814 ROMERIA. THIS ONE IS OWNED BY DON JACKSON. THE CURRENT USE IS AN APPLIANCE REPAIR SHO '. THIS ONE DOES NOT FRONT ON TO LAMAR. THIS ONE FRONTS ON TO

THE CROSS STREET, WHICH IS ROMERIA. WE HAVE A NEW ONE THAT YOU DIDN'T HAVE LAST TIME, AND THIS IS NEXT DOOR. THE ONE THAT FRONTS ON TO LAMAR. IT'S 6200 NORTH LAMAR. THIS ONE IS OWNED BY THE JACKSON TRUST. IT'S A DIFFERENT OWNER THAN DON JACKSON. THE CURRENT USE IS AUTO REPAIR. THIS ONE IS PROPERTY THAT DOES FRONT ON TO LAMAR. SO THAT'S THE DIFFERENCE BETWEEN THE TWO PROPERTIES. BOTH ARE ASKING TO MAINTAIN CS-1 ZONING. AND BOTH ALSO ARE OPPOSING THE CONDITIONAL OVERLAY THAT WAS APPLIED COMPREHENSIVELY, WHICH IS CONDITIONAL OVERLAY B. SO TAKING 10 -- FIRST 10 IS THE ONE THAT IS -- YOU HAVE A PICTURE ON THE SCREEN AND IT'S THE ONE THAT IS FRONTING ON TO ROMERIA, 814.

Mayor Wynn: SO THIS IS THE NON-CORNER OF THE TWO TRACTS.

THAT'S RIGHT. SO 10-A WOULD BE THE PLANNING COMMISSION RECOMMENDATION, WHICH IS JUST STRAIGHT CS-MU, WITH COB. AND THE OWNER REQUEST IS FOR CS-1, MU WITH NO CONDITIONAL OVERLAY. SO THE DECISION IS ON WHETHER TO GIVE THE CS-1 AND WHETHER TO INCLUDE THE CONDITIONAL OVERLAY OR NOT.

Mayor Wynn: DOES THE CURRENT USE REQUIRE CS-1, WHICH IF I'M RIGHT IS LIQUOR SALES?

A CS-1 WOULD BE A COCKTAIL LOUNGE OR A LIQUOR STORE. THIS IS AN APPLIANCE REPAIR. JUST TO REFRESH EVERYONE'S MEMORY, ANY CS-1 THAT NEEDED THAT WAS RECOMMENDED TO MAINTAIN IT.

Mayor Wynn: CORRECT. AND IF YOU HAVE CS OWNING AND YOU WANT TO HAVE IT CHANGED TO CS ONE FOR A NEW TENANT OR LIQUOR SALES, THAT A COMPLETE ZONING CHANGE OR NOT?

IT WOULD NOT REQUIRE ANY PLAN AMENDMENT. IT WOULD JUST BE A NORMAL, LIKE ANY OTHER ZONING CHANGE YOU GET, BECAUSE COCKTAIL LOUNGE AND LIQUOR STORE ARE APPROPRIATE COMMERCIAL USES IF THEY'RE IN A LOCATION THAT PLANNING COMMISSION AND COUNCIL THINKS IS AN

APPROPRIATE LOCATION. SO JUST A NORMAL ZONING CHANGE.

Mayor Wynn: SO -- SORRY. SO TO GO FROM CS TO CS-1 AND SOMETIME IN THE FUTURE DOES NOT REQUIRE A NEIGHBORHOOD PLAN AMENDMENT, IT'S SIMPLY A ZONING CASE WITHIN OTHERWISE A COMPLIANT NEIGHBORHOOD PLAN?

THAT'S CORRECT.

Mayor Wynn: AND AN OWNER HAS HIS OR HER REQUEST?

RIGHT.

Alvarez: HOW MANY OTHER TRACTS WERE DOWN ZONED FROM CS-1. HAS THE CS-1 BEEN DOWN ZONED?

I DON'T HAVE A NUMBER, BUT A VERY SIGNIFICANT AMOUNT BECAUSE THERE IS A STRIP OF AT LEAST EIGHT BLOCKS ON THE WEST SIDE OF LAMAR THAT WAS ALL ZONED CS-1 AS A BIG STRIP, AND BECAUSE THERE WAS SO MUCH CS-1, THE COMPREHENSIVE RECOMMENDATION WAS ONLY TO MAINTAIN IT FOR PROPERTIES THAT NEED IT AND ROLL BACK TO CS ALL THE REST. IT WAS AT LEAST 15 OR 20 -- PROBABLY A LOT MORE.

Mayor Wynn: MAYOR IT SEEMS A SIGNIFICANT ELEMENT OF THIS DISCUSSION IS THAT A FUTURE 1 DESIGNATION DOES NOT REQUIRE A NEIGHBORHOOD PLAN AMENDMENT. CAN YOU SORT OF BRIEFLY DESCRIBE HOW MUCH MORE WORK OR EFFORT IT IS TO GET A ZONING CHANGE THAT ALSO REQUIRES A NEIGHBORHOOD PLAN AMENDMENT?

SO THE DIFFERENCE BETWEEN ONE THAT REQUIRES A PLAN AMENDMENT AND ONE THAT DOESN'T?

Mayor Wynn: THE ARGUMENT I WANT TO MAKE, FRANKLY, IS THAT THIS ISN'T AS DRAMATIC A NEED FOR A FUTURE OWNER OR THE CURRENT OWNER IF HE HAS A CURRENT TENET AS OPPOSED IF WE WENT FROM CS 1, WHICH IT CURRENTLY IS, TO LO OR SOMETHING.

RIGHT. BECAUSE A PLAN AMENDMENT HAS A WAITING PERIOD BEFORE THEY WOULD EVEN APPLY, WHICH IS ONLY ONCE PER YEAR. AND IT HAS REQUIREMENTS FOR A PUBLIC MEETING BEFORE IT EVEN GETS TO PLANNING COMMISSION. AND THEN THERE'S A PLANNING TEAM THAT WOULD MAKE A RECOMMENDATION ON IT. AND THEN ALL OF THAT WOULD GO TO PLANNING COMMISSION FOR A HEARING. AND THEN IT WOULD COME TO COUNCIL. WHEREAS WITH THE ZONING CHANGE THE OWNER JUST APPLIES. THEY DON'T HAVE TO DO ANYTHING BUT APPLY. THEY GET THEIR PLANNING COMMISSION HEARING AND THEN THEY COME TO COUNCIL. SO IT IS A SIGNIFICANT DIFFERENCE.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: ON THAT CS-1 CHANGE IT DOES REQUIRE THEM TO GO TO THE PLANNING COMMISSION OF COUNCIL: AND IT USUALLY REQUIRES THEM TO HIRE AN AGENT AND SPEND SOME MONEY TO GET THAT DONE. SO THE CS-1 CHANGES, MY PROPOSAL IS THERE ARE ONLY TWO THAT FACE LAMAR? AND I WOULD MAKE A RECOMMENDATION TO LEAVE THOSE - - TO KEEP THOSE CS-1, BUT WITH THAT OVER LAY, WHICH IS NOT ANYBODY'S PROPOSAL. AND ON THE ONES THAT DON'T FACE LAMAR, I WOULD GO WITH THE PLANNING COMMISSION RECOMMENDATION. SO MAYBE I COULD MAKE A MOTION AND SEE WHERE IT GOES?

Mayor Wynn: SOUND LIKE YOU'RE MAKING A MOTION 10-A.

Dunkerley: 10-A WOULD BE MY MOTION ON THAT ONE.

Mayor Wynn: SO MOTION 10-A MADE BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER MCCRACKEN. AGAIN, THIS IS TRACT -- THIS IS 814 ROMERIA, PART OF TRACT 77-B. CS-MU-NO-NP WITH CONDITIONAL OVERLAY B. SECOND READING ONLY. COUNCIL. WE'RE BEING TOLD THAT LAST TIME WHEN WE DID ULTIMATELY CRAWL BACK TO A MASS MOTION ON A NUMBER OF THESE TRACTS THAT WE PROBABLY DIDN'T HEAR FROM THE FOLKS WHO HAD SIGNED UP WISHING TO SPEAK ON ESSENTIALLY THESE CASES AND BEYOND, MOTIONS BEGINNING ON TRACT -- MOTION 9. BUT AGAIN, I THINK WE STATED CLEARLY ENOUGH EARLIER THAT IF AN OWNER, A NEIGHBOR, AN AGENT IS HERE AND SIMPLY

IDENTIFIES THEMSELVES AS WE'RE GOING THROUGH THE DEBATE ABOUT THESE INDIVIDUAL TRACTS, PLEASE DO. SIMPLY IDENTIFY YOURSELF AND I FEEL COMFORTABLE THAT A COUNCILMEMBER OR I WILL CALL ON YOU FOR QUESTIONS. SO WE HAVE A MOTION AND A SECOND ON MOTION 10-A. THIS IS AGAIN 814 ROMERIA, CS-MU-NP, CONDITIONAL OVERLAY B. SECOND READING ONLY. ALL OF THESE HAVE A VALID PETITION ON SECOND -- ON THIRD READING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION 10-A PASSES ON A VOTE OF SEVEN-O ON SECOND READING ONLY.

AND IF YOU WENT WITH THE MODIFIED MOTION ON 11, YOU WOULD BASICALLY BE DOING 11-B, BUT YOU WOULD BE ADDING CONDITIONAL OVERLAY B TO IT. IF YOU DESIRE TO DO THAT, THAT'S WHAT YOU WOULD BE DOING.

Dunkerley: THAT WAS MY PROPOSAL, TO DO 11-B, BUT ADD BACK THE CONDITIONAL OVERLAY B.

Mayor Wynn: AND IS IT YOUR -- THIS WOULD HAVE TO BE VENTED BETWEEN NOW AND THIRD READING, BUT DOES THE VALID PETITION -- A VALID PETITION WOULD BE AGAINST CONDITIONAL OVERLAY B.

THAT WOULD HAVE TO BE MY ASSUMPTION AT THIS POINT BECAUSE THEY DIDN'T -- THAT'S WHAT THEY SAID, ANY ZONING CLASSIFICATION OTHER THAN CS-1, BUT I COULD GET BACK WITH THE OWNERS AND WE HAD VERY MINIMAL CONTACT WITH HER.

Mayor Wynn: SO WE'VE HAD A MOTION BY COUNCILMEMBER DUNKERLEY FOR AN AMENDED MOTION 11-B, WHICH IS FROM CS-1 TO CS-1-MU-CO, NP, WITH A CONDITIONAL OVERLAY B. AND I'LL SECOND THAT. FURTHER COMMENT?

Alvarez: WHAT'S THE EXIST WILLING USE?

THE EXISTING USE IS AN AUTO REPAIR.

Alvarez: THEY CERTAINLY DON'T NEED THE CS-1 DESIGNATION?

NOT AT THIS TIME.

Mayor Wynn: FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

Alvarez: NO.

Mayor Wynn: THE AMENDED 11-B MOTION PASSES ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER ALVAREZ VOTING NO ON SECOND READING ONLY.

Goodman: MAYOR, BEFORE WE COME BACK -- THIS WAS ONE OF THE ONES WHERE I DIDN'T REALLY SEE A PROBLEM WITH KENNELS. IF YOU REMEMBER THE DISCUSSION BEFORE WE COME BACK FOR THIRD READING, CAN YOU TELL ME WHAT KIND OF DISCUSSION WENT ON ABOUT THAT?

ON THIS ONE I DON'T THINK THE OWNER WAS ASKING FOR KENNEL, BUT WE COULD CLARIFY WITH THEM.

Goodman: NO. I WAS JUST GOING TO PROHIBIT ITS USES, AND KENNEL IS ALWAYS THERE.

SO LOOKING TO ADDING BACK THAT AS AN HOWKED USE?

Goodman: WELL, JUST FIND OUT IF THERE WAS STRONG SENTIMENT, IT SEEMED LIKE IT COULD WORK.

Mayor Wynn: THANK YOU. AND COUNCIL, I APOLOGIZE. I WILL CONFIRM THE PUBLIC HEARING TWO WEEKS AGO WE ACTUALLY HEARD FROM EVERYBODY WHO HAD SIGNED UP A CARD. WE HAD GONE THROUGH ALL SPEAKERS THAT EARLY EVENING,, WHAT WE DIDN'T DO IS THEN TAKE UP THE DEBATE INDIVIDUALLY ON THESE TRACTS. SO JUST TO

CLARIFY, EVERY SPEAKER WHO SIGNED UP WISHING TO SPEAK AT THE PUBLIC HEARING WAS HEARD, HOWEVER, IT WOULD STILL BE APPROPRIATE FOR AN OWNER, REP OR A NEIGHBOR TO IDENTIFY THEMSELVES AS WE NOW GO THROUGH THE INDIVIDUAL ANALYSES OF EACH TRACT. THANK YOU. MOTION 12?

I CAN GIVE YOU THE OVERVIEW OF 12 AND 14 TOGETHER BECAUSE THEY'RE ON OPPOSITE CORNERS. THESE ARE ON THE NORTHWEST AND SOUTHWEST BRKS OF WOODROW AND KOENIG. THESE ARE ON KOENIG LANE. AND REAL QUICKLY, WOODROW WAS USED AS A DIVIDING LINE FOR THE TYPES OF LAND USE AND ZONING THAT WERE RECOMMENDED ON KOENIG. EAST OF WOODROW IS A MORE -- HISTORICALLY HAS ALWAYS BEEN COMMERCIAL, HAS LARGER LOTS. SO THE RECOMMENDATION OVER THERE INCLUDED GR-MU ZONING. ON THE WEST SIDE OF WOODROW THE PLAN DIDN'T RECOMMEND ANYTHING HIGHER THAN LR BECAUSE IN THE PAST IT WAS -- THESE ARE SMALLER LOTS THAT CONVERTED FROM SINGLE-FAMILY TO COMMERCIAL PRIMARILY. AND THE INTENT OF THE PLAN WAS TO KEEP THE WEST SIDE OF KOENIG -- WEST OF WOODROW AS MORE NEIGHBORHOOD ORIENTED, PEDESTRIAN ORIENTED, RETAIL AND MIXED USE. SO WITH THAT IN MIND, THE RECOMMENDATION FOR BOTH OF THESE CORNERS IS LR-MU-CO, WITH THE CO LIMITING JUST THE AUTOMOTIVE ORIENTED USES. AND NOW TAKING THEM INDIVIDUALLY, NUMBER 12 IS 1400 KOENIG. AND THIS ONE IS ON THE NORTH SIDE OF THE STREET. IT'S TRACT NUMBER 93. THE CURRENT ZONING ON THAT ONE IS GR-CO, AND IT CURRENTLY HAS AUTO SALES ON IT. THAT IS THE USE THAT'S THERE. THIS WAS REZONED IN 1990 FROM LR TO GR-CO. THE CO ALLOWS ONLY LR YIELDS EXCEPT FOR AUTO SALES. SO IT'S GR, BUT IT'S ONLY LR EXCEPT FOR THE AUTO SALES. AND THEN ON THE SOUTH SIDE OF THE STREET, THIS ONE YOU MAY KNOW AS THE FREEDOM AUTO SALES SITE. IT WAS FORMERLY USED ILLEGALLY FOR AUTO SALES. IT'S CURRENTLY ZONED LR. THEY VACATED BECAUSE IT WASN'T A LEGAL USE, THEY LEFT THAT SITE, SO IT'S CURRENTLY VACANT. SO ON THE SOUTH SIDE YOU HAVE LR ZONING, ON THE NORTH YOU HAVE GR-CO. THE STAFF RECOMMENDATION IS FOR LR -- THE PLANNING COMMISSION

RECOMMENDATION, THE NEIGHBORHOOD PLAN RECOMMENDATION IS FOR LR-MU-CO. THE NORTH SIDE AS IT HAS THE GR EXISTING, THEY HAVE A VALID PETITION ASKING TO MAINTAIN GR-CO WITH THE MU. AND THE OWNER IS WHITE SIDE MOTORS. THE AGENT IS MICKEY BENTLY.

Mayor Wynn: AND THE OWNER'S REQUEST THAT INCLUDES CO, THAT'S THE SAME CO THAT WAS PASSED YEARS AGO THAT REMAINS? IT'S THE AUTO SALES IS ALLOWED IN THAT GR?

RIGHT. OUR UNDERSTANDING OF THE PETITION IS THEY WANT TO MAINTAIN EXACTLY THAT ZONING, BUT ADD THE MIXED USE.

Mayor Wynn: QUESTIONS, COMMENTS? AND SO THE PLANNING COMMISSION RECOMMENDATION IS LR-MU-CO-NP. DOES STAFF AGREE WITH THAT?

YES. THE PLAN HAD THE COMPREHENSIVE RECOMMENDATION THAT WOODROW BE THE DIVIDING LINE AND NOTHING HIGHER THAN LR GO WEST OF WOODROW.

Mayor Wynn: AND REMIND ME, WE HAVE -- WE'VE HAD A NUMBER OF ZONING CASES UP AND DOWN THIS PART OF KOENIG AND CERTAINLY JUST TO THE WEST OF THIS. AND STAFF GENERALLY HAD A RECOMMENDATION THAT WE TREAT ESSENTIALLY THE CORNER FEW LOTS SEPARATE THAN WHAT WE CALL THE MID BLOCK LOTS. SO THE MID BLOCK LOTS ALONG KOENIG HERE STAFF GENERALLY PREFERS LO, IS THAT CORRECT?

THAT'S RIGHT.

Mayor Wynn: THE TRANSITION IS AT THE CORNERS IT CAN BECOME LR.

RIGHT. AND THE IDEA WAS TO HAVE IT BE PEDESTRIAN ORIENTED, A LOWER INTENSITY, AND ALLOW SOME OF THOSE NEIGHBORHOODS SERVING BUSINESSES, BUT ON THE CORNERS WHERE IT COULD HANDLE MORE TRAFFIC AND MORE TRIPS.

Mayor Wynn: RIGHT. AND COUNCIL, WE HAVE AN OWNER'S REP PREPARED TO ANSWER QUESTIONS. COMMENTS? QUESTIONS?

Dunkerley: I HAVE ONE QUESTION. IS THE CURRENT AUTO SALES, SHOW ME AGAIN ON THE MAP, IS IT ON THE WEST SIDE, NORTH SIDE? RIGHT THERE, OKAY.

IT'S THAT NORTHWEST CORNER.

Dunkerley: AND IT'S CURRENTLY GR WITH ALL USES CONDITIONED OUT EXCEPT AUTO SALES.

THAT'S RIGHT.

Mayor Wynn: WAS THAT STATED CORRECTLY OR IS IT GR WITH THE CO ADDING THE USE -- LET ME BACK UP. SO IS AUTO SALES PERMITTED IN GR?

YES. AND THAT WOULD BE THE ONLY USE THAT IS PERMITTED IN GR, BUT NOT LR THAT WOULD BE ALLOWED ON THIS SITE IS THE AUTO SALES.

Mayor Wynn: SO FRANKLY, THE REAL ISSUE IS AUTO SALES OR NOT.

THAT'S RIGHT.

Mayor Wynn: AND LOOKING AT THE MAP HERE, IT APPEARS TO BE PERHAPS SEVERAL ORIGINAL LOTS COMBINED INTO ONE TRACT NOW? IT SEEMS TO BE A MUCH LARGER LOT THAN TYPICAL UP AND DOWN THE STREET.

RIGHT. AND I DON'T KNOW THE EXACT HISTORY OF THIS ONE. I WAS SPEAKING MORE GENERALLY THAT THE LOTS WEST WERE SUBDIVIDED AND USED FOR SINGLE-FAMILY. THIS ONE MAY NOT HAVE BEEN SINCE IT'S ON THE CORNER RIGHT ACROSS THE STREET FROM WOODROW.

Mayor Wynn: DO WE KNOW IS IT TECHNICALLY A SINGLE LEGAL LOT OR IS IT COMPRISED OF TWO OR THREE LEGAL LOTS?

I BELIEVE IT'S A SINGLE LEGAL LOT.

Mayor Wynn: BUT BASED ON THAT IT COULD BE SUBDIVIDED SHRONS IT'S COMPLIANT WITH THE MINIMUM WIDTH AND LOT SIZE?

THAT'S RIGHT. WHICH WOULD BE 5750, I BELIEVE, FOR GR.

Mayor Wynn: ALL RIGHT. MR. BENTLY, DO YOU HAVE A COMMENT? [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] IS DIAGONALLY ACROSS FROM HOWDY HONDA, I THINK IT'S HOWDY HONDA. FURTHER, YOU KNOW, THIS FAMILY HAS BEEN GOOD CITIZENS OF AUSTIN. THE -- MS. WHITESIDE, AS YOU ALL PROBABLY KNOW, IS ON THE SCHOOL BOARD. SO THEY HAVE A LONG HISTORY OF DOING WHAT'S RIGHT. THEY JUST DON'T WANT IT TAKEN AWAY FROM WHAT THEY ALREADY HAVE. WE APPRECIATE YOUR CONSIDERATION. THANK YOU.

THANK YOU. FURTHER QUESTIONS? WE HAVE A NEIGHBOR REP?

MAYOR, COUNCIL, MY NAME IS DON LATETON BURRWELL I ACTUALLY REPRESENTED THE NEIGHBORHOOD OPPOSING THIS REZONING, IT WAS A HISTORIC ILLEGAL USE THAT'S A CONTINUED AND AGAIN WE'VE HAD A PROBLEM, AS I SPOKE LAST TIME, ABOUT PROLIFERATION OF A LOT OF USED CAR LOTS. AND WE WOULD LIKE TO KIND OF DRAW THE LINE IN THE SAND, THERE'S NO REASON THAT WHITESIDE MOTORS CAN'T CONTINUE THEIR USE INDEFINITELY THERE. THEY HAVE NOT BEEN IN MY ESTIMATION AS GOOD OF STEWARDS AS MR. BENTLEY WOULD POINT OUT. THEY ARE CURRENTLY USING THE 20-FOOT WIDE DEEP SIDEWALK, ALONG WOODROW AVENUE, WHICH IS A -- WHERE THE BUS STOP IS THERE AS THEIR PARKING LOT. IT'S CITY RIGHT-OF-WAY. THERE ARE TWO CODE VIOLATIONS AS I SEE IT THAT I'VE PASSED ON TO A.P.D. BUT THERE'S BEEN NO ACTION TAKEN ON THAT. OF COURSE YOU KNOW MY FEELINGS ON CODE ENFORCEMENT. SO -- BUT THERE CURRENTLY ESSENTIALLY ARE USING PROPERTY THAT YOU AND I OWN AS -- AS PARKING LOT AND THEY USE THAT TO SELL CARS AND TO PARK THEIR OWN VEHICLES. THANK YOU.

THANK YOU.

COUNCILMEMBER DUNKERLY?

Dunkerley: I WOULD LIKE TO ASK THE STAFF THERE ARE A LOT OF CHANGES THAT WE'VE MADE THROUGH THIS -- TO THIS NEIGHBORHOOD PLAN AND I GET CONFUSED. BUT IS THIS ONE OF THEM? I KNOW YOU DIDN'T ORIGINALLY RECOMMEND THE G.R., BUT IS THAT A -- CONSIDERING THE NATURE OF THAT CORNER, IS THAT A REASONABLE USE THERE? CONSIDERING THE OTHER AUTO SALES AROUND IT? MAYBE THAT'S NOT A GOOD QUESTION TO ASK YOU.

I THINK ONE OF THE CONCERNS WAS IN TREATING LIKE PROPERTIES IN DIFFERENT WAYS. AND WHY WOULD -- WE KIND OF MADE THAT DECISION FOR WOODROW AND THE OTHER CORNERS AT ARROYO SECO COULD MAKE THE SAME ARGUMENT.

Dunkerley: I DO REMEMBER YOU SAYING MAYBE WE NEED TO DO THE SAME WITH BOTH CORNERS.

I WOULD THINK SO.

Dunkerley: LET ME TRY THIS, MAYOR, IF I COULD, THIS IS SECOND READING, WE CAN THINK ABOUT IT SOME MORE. IF I COULD MAKE A MOTION FOR -- TO APPROVE 12 B, ELIMINATE ALL OF THE G.R. USES EXCEPT AUTO SALES, MAINTAINING ALL OF THE CONDITIONAL OVERLAY THAT'S THERE.

Mayor Wynn: MOTION 12 B MADE BY COUNCILMEMBER DUNKERLY. SECONDED BY COMRK COUNCILMEMBER MCCRACKEN, ACTUALLY, DISCUSSION, MR. BROAD COULD I HAVE YOU APPROACH A SECOND.

THANK I, MAYOR, I APPRECIATE THAT. I WANTED TO MAKE ONE COMMENT. BACK IN I GUESS 1990 OR WHENEVER THIS PROPERTY WAS UPZONED FROM LR TO G.R., MY UNDERSTANDING WAS THAT THE THINKING THEN WAS THAT IF THEY WERE GOING TO BE ABLE TO HAVE THAT CAR SALES, THAT'S WHAT THEY HAD TO DO BECAUSE YOU CAN'T REACH UP AND GRAB A USE FROM A HIGHER CATEGORY. BACK IN '90 WE UPZONED A PROPERTY. WELL, WHAT I

WOULD LIKE TO SUGGEST TO YOU IS THAT NOW WE HAVE A CHANCE TO RETURN THE ORIGINAL ZONING TO WHERE IT WAS. IT'S GOING TO LINE UP WITH WHAT STAFF'S RECOMMENDATION WAS. PLANNING COMMISSION'S RECOMMENDATION. AND THE RECOMMENDATION OF THE STAKEHOLDERS. HOWEVER, WE CAN DO ALL OF THIS WITHOUT PENALIZING THE OWNERS BECAUSE DOING IT THIS WAY HE GETS TO KEEP THAT AUTO USE INDEFINITELY. HE CAN EVEN SELL IT TO SOMEONE ELSE TO KEEP IT. I'M JUST SAYING THAT WHETHER YOU GO WITH THE G.R. OR NOT, LOOK AT IT IN TERMS OF THE PLANNING THAT WE HAVE -- THAT WE ARE TRYING TO TALK ABOUT HERE, YOU KNOW, AND I THINK STAFF HAD A GOOD COMPROMISE RESOLUTION FOR WHAT'S BEEN A VERY CONTENTIOUS PART OF OUR NEIGHBORHOOD, THAT'S KOENIG LANE. WHEN THEY ARRIVED ON THIS G.R. EAST OF WOODROW, REST OF WOODROW, YOU WOULD HAVE L.R. ON THE CORNERS, L.O. MID BLOCK, THAT WAS A PRETTY GOOD COMPROMISE. I AM JUST SAYING THINK REAL HARD ABOUT GOING AGAINST THAT I GUESS, THANK YOU FOR LISTENING, SORRY TO INTERRUPT.

Mayor Wynn: THAT'S FINE. I INVITED THAT, THANK YOU, MR. BROCK. QUICK QUESTION FOR STAFF. I GUESS THE ONLY -- THAT ARGUMENT DOES STRIKE ME. BUT I GUESS THE REAL ISSUE WOULD BE POTENTIAL DEVELOPMENT STANDARDS GIVE BETWEEN G.R. AND L.R. IS THAT CORRECT.

FOR REDEVELOPMENT OF THIS PROPERTY. THAT WOULD BE THE SITE DEVELOPMENT STANDARDS. IF THE USINGS BACK, LAPSE, THEY HAVE THE L.R. SITE STANDARDS, I THINK THAT GETS TO YOUR QUESTION.

MR. MAYOR AND COUNCILMEMBERS, THIS IS ECONOMIC CONDEMNATION. THE WHITESIDES HAD THE ZONING -- HAVE THE ZONING RIGHT NOW. THEY HAVE BEEN OPERATING THAT UNDER THAT PRESENT ZONING. IF THIS IS -- THIS IS PROBABLY TANTAMOUNT, IF SOMEONE HAS A BROKEN ARM, THAT THEY CAN KEEP THE BROKEN ARM, BUT YOU ARE NEVER GOING TO GET FULL VALUE FOR THAT PERSON WITH A BROKEN ARM. AND IF THEY SELL THAT PROPERTY, SOMEONE HAS TO, YOU KNOW, FOLLOW THE LINES EXACTLY, AND THAT'S NOT THE WAY IT WAS NINE YEARS

AGO. THESE PEOPLE SPENT THOUSANDS OF DOLLARS TO OBTAIN THIS ZONING AND IT'S JUST NOT RIGHT TO HAVE ECONOMIC CONDEMNATION AND I THINK THAT YOU ARE GOING TO -- YOU ARE GOING TO CREATE MANY LAWSUITS IF YOU DON'T ALLOW THESE PEOPLE WHO HAVE PAID FOR ZONING, HAVE OPERATED UNDER THAT ZONING AND YOU ARE TRYING TO CHANGE IT RIGHT NOW. THANK YOU.

Mayor Wynn: THANK YOU, AGAIN, COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE. THE MOTION 12 B. ON SECOND READING ONLY. FURTHER QUESTIONS? COMMENTS? IF NOT, ALL OF THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED?

NO.

MOTION PASSES ON SECOND READING ONLY 12-B ON A VOTE OF 5-2 WITH COUNCILMEMBERS THOMAS AND ALVAREZ VOTING NO.

13 IS THE OPPOSITE CORNER, IT HAS L.R. ZONING CURRENTLY. THIS IS NOT A PETITION, BUT YOU DID FULL IT OUT TO DISCUSS IT SEPARATELY, SO THAT'S WHY IT'S ON YOUR MOTION SHEET. THE RECOMMENDATION IS L.R. AND THE PROPERTY OWNER WOULD LIKE TO HAVE G.R.-M.U.-C.O. AND THE CONDITIONAL OVERLAY THAT -- THAT THEY ARE ASKING FOR IS A LIMIT OF 2,000 TRIPS PER DAY, SO NOTE THAT WOULD BE A SIGNIFICANTLY DIFFERENT CONDITIONAL OVERLAY THAN WHAT YOU JUST APPROVED. THIS ONE IS THE FORMERLY FREEDOM AUTO SALES.

Mayor Wynn: WHEN YOU SAY CURRENTLY VACANT, IS IT A VACANT PIECE OF LAND OR THERE'S STILL SOME BUILDINGS AND SOME IMPROVEMENTS ON THE TRACT.

THE BUILDING IS STILL THERE, SO IT'S JUST A BUILDING THAT'S VACANT. IT'S NOT UNDEVELOPED. IT WAS DEVELOPED IN THE 40s OR 50s AND THE BUILDING REMAINS.

Mayor Wynn: TECHNICALLY THE OWNER DOESN'T -- HASN'T YET APPLIED FOR A VALID PETITION.

YOU CAN'T GET A VALID PETITION, BECAUSE YOU CAN ONLY PETITION AGAINST A CHANGE. YOU CAN'T PETITION FOR A HIGHER ZONING. SO THEY COULD ONLY PETITION IF -- AGAINST A CHANGE TO WHAT THEY HAVE. THEY CAN'T POSITION TO GO FROM L.R. TO G.R. THE PETITION ONLY WORKS TO OPPOSE, NOT TO ADVOCATE FOR.

Mayor Wynn: I'M SORRY, SO WHAT IS THE CURRENT ZONING?

THE CURRENT ZONING IS L.R.

Mayor Wynn: OKAY. QUESTIONS OF STAFF, COUNCIL? COUNCILMEMBER ALVAREZ.

Alvarez: IF THAT BEING THE CASE, IF THAT'S THE EXISTING ZONING AND THAT'S PLANNING COMMISSION RECOMMENDATION?

THAT'S RIGHT.

Alvarez: I WILL GO AHEAD AND MAKE THAT AS A MOTION, ALTHOUGH I GUESS WE -- I THINK [INDISCERNIBLE] HAS SOMETHING TO SAY.

THANK YOU. AMELIA LOPEZ PHELPS REPRESENTING FREEDOM AUTO. I WOULD LIKE TO ASK THE COUNCIL IF THEY WOULD CONSIDER AN ALTERNATE RECOMMENDATION ON THIS. OUR ORIGINAL REQUEST WAS THE G.R. WHEN WE FIRST STARTED THIS BECAUSE THERE WAS AN AUTOMOTIVE USE THERE. THEY HAVE SINCE THEN GONE ELSE WRAPELSEWHERE AND THE BUILDING IS VACANT. WHEN WE WERE GOING THROUGH THE DISCUSSIONS WITH THE NEIGHBORHOODS INITIALLY MONTHS AGO, SOME OF THE REQUESTS OR CONSIDERATIONS FOR USE THERE WERE A STARBUCKS, A CAFE, SOME LITTLE BITTY RETAIL TYPE OF USE OR A SMALL OFFICE AND SO WHAT I -- WE HAVE KIND OF SINCE THE LAST TIME COUNCILMEMBER THOMAS HAS ASKED US IF WE KNEW WHAT TYPE OF USE WE WERE PURSUING AND WE HAVE REALLY HAD A DIFFICULT TIME BECAUSE IT IS A VERY SMALL TRACT. WHAT I WOULD LIKE FOR YOU ALL TO

CONSIDER IS A G.R. WITH L.R. USES EXCEPT FOR RESTAURANT AND WHAT THE G.R. WILL ALLOW US TO DO IS HAVE A CAFE THAT CAN SELL BEER AND WINE IN THE CAFE. IT WON'T BE A DRIVE THROUGH. IT'S A VERY, VERY SMALL BUILDING AND IT'S ON THE CORNER, SO YOU HAVE A COMPANY ANYTHING RIGHT-OF-WAY -- KOENIG RIGHT-OF-WAY DEDICATION GOING ON. IF YOU WOULD PLEASE CONSIDER THAT, WE WOULD APPRECIATE IT.

Alvarez: I DON'T KNOW THAT WE WOULD HAVE THE ABILITY TO DO THAT. IS THAT WHAT YOU EXPLAINED TO US.

IF YOU WENT WITH THE G.R. BASED ZONING YOU CAN ELIMINATE ALL OF THE G.R. USES THAT ARE NOT ALLOWED IN L.R. EXCEPT FOR RESTAURANT. WITH THE CHANGE TO RESTAURANT THAT HAPPENED, RESTAURANT IS NOW ALLOWED IN L.R. IT JUST DOESN'T ALLOW THE BEER AND WINE AND IT -- IT REQUIRES A CONDITIONAL USE PERMIT FOR DRIVE-THROUGH AND IT LIMITS THE OUTDOOR SEATING.

Alvarez: CAN YOU GIVE A CHANCE FOR THE NEIGHBORHOOD TO RESPOND?

THANK YOU, AGAIN, RICHARD BROCK. WHAT I WOULD LIKE TO SAY ABOUT THIS IS TO GO BACK TO THE HISTORY, IT STARTED AS A CODE VIOLATION, ILLEGAL USE IN L.R. ZONING WHICH PROMPTED THE APPLICANT TO -- TO REQUEST A ZONING CHANGE. INITIALLY THEY ASKED FOR C.S., BUT THE HE -- BY THE TIME THEY GOT TO PLANNING COMMISSION THEY HAD DROPPED THAT DOWN AND APPARENTLY NOW THEY ARE MODIFYING IT AGAIN. BUT IN MY MIND IF YOU UPZONED THIS PROPERTY AT ALL, AGAINST THE PREFERENCE OF STAKEHOLDERS, STAFF AND PLANNING COMMISSION, FOR NO OTHER -- JUST TO -- I MEAN I DON'T UNDERSTAND THAT. YOU KNOW, IT -- I DON'T SEE WHY YOU WOULD DO THAT. AND I'M SORRY I'M KIND OF SPITTING MY WORDS OUT. BUT THIS THING STARTED AS A CODE VIOLATION. I DON'T KNOW WHY WE WOULD WANT TO EVEN CONSIDER UPZONING HERE. THANK YOU.

Mayor Wynn: THANK YOU, MR. BROCK.

Alvarez: COUNCILMEMBER ALVAREZ, YOUR MOTION?

I HAVE A QUESTION.

Mayor Wynn: QUESTION, COUNCILMEMBER DUNKERLY?

Dunkerley: I WAS GOING TO ASK YOUR QUESTION ABOUT THE

--

YES, IF YOU DON'T MIND ONE MOMENT, YOU WANTED TO CLARIFY SOMETHING. THE CODE VIOLATION IF YOU WILL RECALL ALMOST A YEAR AGO IS THE OWNERS THAT HAD IT THEN HAD -- DID NOT -- WHEN THEY LEASED IT OUT, WHICH IS VERY BRIEFLY, WHEN THEY LEASED IT OUT TO FREEDOM AUTO SALES BEFORE THE PHARMACY WAS IN PLACE,)A THEY HAD THAT AS AUTOMOTIVE, VARIOUS AUTOMOTIVE USES FOR OVER 40 YEARS. THAT'S -- OF COURSE FREEDOM AUTO MOVED IN QUICKLY BECAUSE THEY HAD TO MOVE OVER A WEEKEND BECAUSE THE PREVIOUS SITE HAD SOLD THEIR LAND OR SOMETHING TO THAT EFFECT. SO IT HAPPENED RATHER QUICKLY AND SO WHEN I WAS BROUGHT INTO IT, THEY WERE RED TAGGED, YES, THEY FOUND OUT AND THEY COULDN'T JUST MOVE OUT AGAIN. SO WE PURSUED THE ZONING CHANGE BECAUSE IT'S A CORNER LOT WE WANTED TO BE ABLE TO MAXIMIZE THE IMPERVIOUS COVER. HENCE WHY THEY ASKED FOR THE C.S. BUT WE HAVE BEEN TRYING TO FIND A USE FOR THIS LOT AND RIGHT NOW SINCE THE LAST ZONING THAT BUILDING HAS BEEN GRAVITIED, WE'VE HAD -- GRAFFITID, A LOT OF PROBLEMS WITH THAT BUILDING. THE NEIGHBORHOOD WOULD LIKE TO HAVE IT FOR A NEIGHBORHOOD USE, A CAFE WOULD BE NICE, STARBUCKS DOES NOT WANT THE SITE IT'S WAY TOO SMALL TO MAKE THAT LOT FEASIBLE FOR SOMEONE TO LOCATE JUST AS A RESTAURANT, IT WOULD BE MORE FEASIBLE IF THEY COULD ALSO HAVE BEER AND WINE WITH A CAFE IF WE FOUND THAT USE. THANK YOU.

COUNCILMEMBER MCCRACKEN?

McCracken: MS. LOPEZ PHELPS, IT -- IS THE IDEA, IS THE PROPOSAL FROM THE OWNER THEN THAT THERE WOULD BE G.R. WITH ONLY A RESTAURANT USE PERMITTED AMONG

THE G.R. USES?

YES. ONLY BECAUSE WE NEED G.R. TO SELL BEER AND WINE AND THEN JUST ANY OTHER USES WOULD BE L.R.

McCracken: THERE WAS SOME SUGGESTION OF ABOUT -- I CAN'T REMEMBER IF IT WAS -- IF THAT WAS LIKE DRIVE THROUGHS AND STUFF, IS THAT RIGHT?

WE WOULD PROHIBIT DRIVE THROUGH. YOU WOULDN'T BE ABLE TO DO IT ON THE SITE ANYWAY.

McCracken: SO YOU ALL WOULD ALSO BE AGREEABLE TO A RESTRICTION THAT SPECIFIED NO DRIVE-THROUGH?

YES.

SO IT SOUNDS LIKE THE ONLY ISSUE THEN IS WHETHER THIS RESTAURANT COULD SELL BEER AND WINE OTHERWISE IT SOUNDED LIKE THAT'S THE ONLY DIFFERENCE BETWEEN THE NEIGHBORHOOD AND THE OWNER.

-- AM I PICKING UP, IS THAT CORRECT? I MEAN -- PRACTICAL LEVEL OF WHAT WE ARE TRYING TO ACHIEVE.

IN THE PRACTICAL SENSE, MS. LOPEZ PHELPS IS ACTUALLY CORRECT OVER THE VARIOUS PUBLIC HEARINGS PEOPLE HAVE TALKED ABOUT SORTS OF USES THEY WOULD LIKE TO SEE THAT ARE ALLOWABLE IN THE EXISTING ZONING. L.R. AND SOME OF THOSE USES COFFEE SHOPS, CERTAIN KINDS OF RESTAURANTS ARE ALLOWED IN L.R. SO SHE'S KIND OF EXPANDING ON THAT NOTION A BIT AND -- UNDERSTANDABLY SO BECAUSE I THINK CLEARLY IF YOU CAN SELL BEER IN YOUR RESTAURANT MAYBE YOU ARE GOING TO BE ABLE TO MAKE MORE MONEY. STILL, I DON'T THINK THAT'S EXACTLY WHAT NEIGHBORS AND STAKEHOLDERS HAD IN MIND WHEN WE DISCUSSED THAT PROPERTY IN TERMS OF THOSE NEIGHBORHOOD FRIENDLY HOUSTON USES ALLOW UNDERSTAND L.R. WHEN YOU ARE TALKING ABOUT THE BEER AND WINE, I DON'T EVEN -- MAYBE I SHOULDN'T SAY THIS, BUT IF THE CODE WERE WRITTEN DIFFERENTLY, SO THAT, YOU KNOW, PEOPLE COULD GET THE ABILITY TO SELL BEER AND WINE MAYBE IN OTHER CAT

DWOARS THAN CURRENTLY EXISTS, THAT MIGHT BE A DIFFERENT MATTER ALTOGETHER. BUT FOR US THIS IS A ZONING ISSUE. I MEAN IF WE DON'T LEAVE IT L.R. AND IF WE DON'T MATCH THAT ACROSS THE STREET WITH L.R., THEN IT FAILS THE VISION OF THE NEIGHBORHOOD PLAN. WHAT WE HAVE BEEN DOING THROUGH THIS WHOLE PROCESS, THE COMPROMISE WE ARRIVED AT WITH STAFF. WHERE AT LEAST WE GOT STAKEHOLDERS AND STAFF AND PLANNING COMMISSION TO LINE UP. YOU ARE RIGHT IT'S A DIFFERENCE OF BEER AND WINE BUT I THINK IT'S MUCH MORE THAN THAT.

McCracken: ALTHOUGH IF I UNDERSTAND CORRECTLY MR. BROCK, THE NEIGHBORHOOD VISION DID INCLUDE A NEIGHBORHOOD RESTAURANT ON THAT CORNER AS ONE OF THE POSSIBLE USES?

CERTAINLY. I THINK THAT'S ALLOWABLE IN L.R., BUT YES --

McCracken: I THINK FOR INSTANCE LIKE THE HYDE PARK BAR AND GRILL, WHICH IS A REAL MAINSTAY IN THE HYDE PARK NEIGHBORHOOD WHICH TALE HAS LIQUOR SALES, TOO. MY OWN EXPERIENCE IN WORKING IN RESTAURANTS IS THAT THE ECONOMICS ARE SUCH THAT IT IS VERY, VERY DIFFICULT FOR A RESTAURANT TO SURVIVE UNFORTUNATELY OR FORTUNATELY WHATEVER WITHOUT BEING ABLE TO SELL BEER AND WINE. SO I THINK THAT MY UNDERSTANDING OF RESTAURANT ECONOMICS, THAT YOU WOULD HAVE A MORE STABLE TENANT WITH BOTHER AND WINE SALES AND YOU WOULD ACHIEVE THE NEIGHBORHOOD VISION OF A NEIGHBORHOOD RESTAURANT. I'M -- I'M JUST TRYING TO SEE IF THERE'S A POSSIBLE COMMON GROUND HERE. IT SOUNDS LIKE THE ORIGINAL PLAN, I DON'T THINK -- I CERTAINLY DIDN'T SUPPORT THE ORIGINAL PLAN WITH THE ABANDONED SITE ON USES THAT WERE NOT IN THE PLAN. IT SOUNDS NOW LIKE WE ARE TALKING ABOUT THE SAME USE WITH ONE SMALL DIFFERENCE.

CERTAINLY -- CERTAINLY SOME KIND MUCH SMALL COFFEE SHOP OR LIMITED RESTAURANT TYPE OF SITUATION WHERE THINGS THAT WERE DISCUSSED ALONG THE WAIMENT AS FAR AS I KNOW, THERE'S NO PARTICULAR TENANT THAT THEY HAVE IN MIND, NO PARTICULAR USE THAT THEY CAN TELL US ABOUT. WHAT I'M TRYING TO SUGGEST, I HATE TO

GO HERE, BUT I MEAN IT'S LIKE A PATTERN. WE START WITH GETTING BUSTED, THEN A GRAB FOR AS MUCH AS THEY CAN GET, THEN THEY ARE WHITTILING DOWN, I SUPPOSE THAT'S GOOD, THAT'S REASONABLE. BUT WHAT I'M SAYING IS WHY ANY REWARD WHATSOEVER FOR THE INITIAL ILLEGAL USE? AND, YOU KNOW, YOUR POINTS ABOUT THE DIFFERENCE BETWEEN A RESTAURANT WITH ALCOHOL SALES AND ONE WITHOUT ARE WELL TAKEN CERTAINLY THEY HAVE ECONOMIC IMPLICATIONS. AND THAT'S WHY IT'S SUCH A TOUGH CALL FOR YOU GUYS, I APPRECIATE THAT. THANKS FOR LISTENING.

Mayor Wynn: THANKS, MR. BROCK. FURTHER COMMENTS, QUESTIONS? MAYOR PRO TEM.

Goodman: WHEN THERE IS A VIOLATION OF THE CODE, THAT'S ALSO AN -- ALWAYS AN ISSUE FOR YOU, INTENTION IS ALWAYS AN ISSUE, TOO, I THINK, THE INTENT. BUT WHEN WE GET DOWN TO THE NEIGHBORHOOD PLAN AND THE ZONING, REVIEW ZONING, EVEN THOUGH THAT'S ALWAYS IN THE BACK OF MY HEAD, FOR ME THE PRIORITY HAS TO GO TO LAND USE. REGARDLESS OF -- OF THE HISTORY AND OF PERSONALITY. SO I JUST WANTED TO LET RICHARD KNOW THAT ALTHOUGH THAT'S IN THE BACK OF MY HEAD, I THINK THE MORE IMPORTANT PRIORITY FOR ME AT THE MOMENT IS TRYING TO FIGURE OUT WHAT WILL BE A SUSTAINABLE LONG-TERM USE. WHICH IS WHY I -- I AM CONSIDERING THAT USE.

Mayor Wynn: COUNCILMEMBER THOMAS? MAYOR PRO TEM?

Goodman: COULD I JUST ASK --

Mayor Wynn: YES.

JUST ONE QUICK POINT, DON LAITON BURRWELL AGAIN. ABOUT A RESTAURANT USE. I BELIEVE THAT THE BUILDING ON THERE IS ONLY LIKE 2,000 SQUARE FEET OR LESS. IT'S PRETTY MUCH MAXED OUT IN TERMS OF PAVING AND BUILDING. I DON'T THINK THAT YOU COULD GET MUCH MORE THAN A TACO SHACK ON THERE, THREE OR FOUR, MAYBE FIVE TABLES, YOU KNOW, WE ARE TALKING ABOUT A VERY SMALL FACILITY. AS ANY KIND OF RESTAURANT, WHICH I

DON'T THINK IS YOUR HYDE PARK BAR AND GRILL. WE ARE TALKING ABOUT SOMETHING MUCH SMALLER THAN THAT.

Goodman: RIGHT. THAT'S THE REASON WHY THE ADDITIONAL POSSIBLE MAGNET. APPEALS TO ME AS SOMETHING THAT I NEED TO DISCUSS WITH MY COLLEAGUES ABOUT SUSTAINABILITY. WITHOUT IT, A TACO STAND, I'M NOT SURE THAT'S WHAT WE ARE GOING FOR. NOT THAT TACO STANDS ARE BAD AND I DO GO TO THEM.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? WE ARE LOOKING FOR A MOTION NUMBER -- WE ARE LOOKING AT MOTION NUMBER 13 BEING SECOND READING ONLY. I'M SORRY?

[INDISCERNIBLE]

Mayor Wynn: OKAY. STILL OKAY WITH THAT COUNCILMEMBER?

Alvarez: I AM. I DON'T KNOW WHETHER I ACTUALLY GOT A -- I ACTUALLY GOT A SECOND TO THAT.

Mayor Wynn: I DON'T THINK WE DID. THAT'S FINE. MOTION 13 A MADE BY COUNCILMEMBER ALVAREZ.

Goodman: I THINK I DID SECOND IT. I DIDN'T HAVE MY MIC ON.

Mayor Wynn: OKAY. SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. --

Alvarez: I REALLY JUST TO BE CONSISTENT WITH THE NEIGHBORHOOD PLAN AND FOR WHAT'S ENVISIONED RIGHT THERE, IF IT ENDS UP BEING A BOUNDARY BETWEEN A COUPLE OF DIFFERENT KINDS OF CATEGORIES AND THAT'S PARTLY WHY I DIDN'T VOTE FOR THE PREVIOUS -- THE PREVIOUS ITEM THAT ALSO WENT FROM L.R. TO G.R. SO -- SO TRYING TO PRESERVE THE L.R. AS MUCH AS POSSIBLE IN THAT AREA.

MOTION AND SECOND, MOTION 13 A THIS IS 1401 KOENIG LANE TRACT 101, L.R.-M.U.-C.O.-N.P. WITH CONDITIONAL

OVERLAY D. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 4-3 ON SECOND READING WITH COUNCILMEMBERS THOMAS AND.

McCracken: CONTEND AND DUNKERLY INVESTIGATE -- COUNCILMEMBERS THOMAS, MCCRACKEN AND DUNKERLY VOTING NO.

13 AND 14 I CAN EXPLAIN THESE TOGETHER, ADJACENT PROPERTIES. ALSO ON KOENIG LANE JUST ACROSS THE STREET. AT THE SOUTHEAST CORNER OF -- YOU CAN SEE THEM RIGHT THERE. JUST ACROSS THE STREET FROM 1401 KOENIG. THIS IS 5813 WOODROW IS THE ADDRESS OF THE FIRST ONE, ALTHOUGH MOST OF THE FRONTAGE IS ON KOENIG LANE. THIS IS FIRST TEXAS HONDA. AMELIA LOPEZ PHELPS IS ALSO THE AGENT ON THIS ONE. THE -- THE -- AND THIS ALSO INCLUDES NUMBER 15, WHICH IS JUST TO THE SOUTH OF THERE, THIS IS THE DART BOWL, THIS IS AT 5700 GROVER, IT'S THE TWO VERY LARGE PARCELS THAT MAKE UP 99. THIS IS ON THE EAST SIDE OF WOODROW, SO CONSISTENT WITH THE INTENT OF THE PLAN, THESE ARE BOTH CURRENTLY ZONED C.S., THE PLAN ATTEMPTED TO ONLY RECOMMEND C.S. ZONING ON THE MAJOR CORRIDORS. AND THOSE WERE CONSIDERED TO BE BURNET, LAMAR, ANDERSON, AIRPORT. SO -- SO FOR KOENIG, THE ATTEMPT WAS TO HAVE SOMETHING MORE SUBSTANTIAL INTENSITY THAN WEST -- THAN THE WEST SIDE OF WOODROW, BUT TO TRY TO HAVE THE G.R.-M.U. ZONING, SO THAT'S WHAT'S RECOMMENDED BY THE PLANNING COMMISSION FOR BOTH -- BOTH TRACT -- BOTH OF THESE ARE TRACT 99, NUMBERS 14 AND 15. SO FOR 14 IT'S FIRST TEXAS HONDA, AND WHAT THE OWNER, THEY HAVE A PETITION, WHAT THE OPENER IS REQUESTING IS THE C.S. REMAIN WITH MIXED USE, AND TO HAVE A CONDITIONAL OVERLAY WHICH WOULD BE THE SAME AS WHAT'S

RECOMMENDED BY PLANNING COMMISSION, WITH A COUPLE OF EXCEPTIONS. THERE'S A 40-FOOT HEIGHT LIMIT ON THE CONDITIONAL OVERLAY AND THEY WOULD LIKE TO HAVE THAT REMOVED. THEY WOULD ALSO BE SUPPORTIVE OF REMOVING ALL COMMERCIAL USES, C.S. COMMERCIAL USES, THAT ARE NOT ALLOWED IN G.R. EXCEPT FOR TWO, AND THOSE WOULD BE VEHICLE STORAGE AND LIMITED WAREHOUSING AND DISTRIBUTION. AND THE OWNER'S INTENT THERE WAS, I BELIEVE, IF THE CAR DEALER EVER MOVED, THEY MIGHT WANT TO BE ABLE TO STORE CARS THERE TO BE SOLD AT A DIFFERENT LOCATION. SO THAT WOULD BE 14, NUMBER 15, IT'S NOT AN AUTO DEALER, THEY WOULD BE ASKING FOR THE C.S. WITH ONLY -- WITH ONLY G.R. USES, BUT THE C.S. SITE STANDARDS, THAT WOULD BE 14 AND 15, 14 A WOULD BE THE PLANNING COMMISSION, 14 B WOULD BE THE PROPERTY OWNER AND THE SAME WITH 15.

Mayor Wynn: ON THE 40-FOOT HEIGHT LIMIT ISSUE, IS THE -- IS THE CURRENT BUILDING -- IS THE CURRENT FIRST TEXAS HONDA BUILDING, IS IT -- HOW TALL IS IT? IS IT --

IT'S A ONE-STORY BUILDING. I WOULD THINK THAT IT'S -- 25 FEET. IT HAS HIGH CEILINGS, MAYBE IT'S A LITTLE BIT MORE.

THE CURRENT STATE OF IMPROVEMENT IS PROBABLY CLEARLY BELOW THE 40-FOOT HEIGHT LIMIT.

SIGNIFICANTLY LOWER.

SIGNIFICANTLY LOWER. BUT THEY WANT TO HAVE THE HEIGHT LIMITATION REMOVED.

RIGHT. FOR REDEVELOPMENT PURPOSES.

Mayor Wynn: THEN HELP ME THINK THROUGH FROM A LAND USE PERSPECTIVE, JUST STAFF'S EXPERIENCE IN DEALING WITH ALL OF THESE, IS COMMERCIAL AUTO -- COMPARING COMMERCIAL AUTO SALES TO COMMERCIAL AUTO STORAGE, WHAT -- WHICH WOULD SEEMINGLY BE A MORE INTENSE USE, IF YOU WILL.

THE VEHICLE STORAGE, BOTH WOULD BE NOT IN LINE WITH A PEDESTRIAN MIXED USE ENVIRONMENT. BUT THE VEHICLE

STORAGE WOULD SEEM TO BE SIGNIFICANTLY MORE INCOMPATIBLE SINCE WHAT YOU SEE TYPICALLY WITH VEHICLE STORAGE IS IT'S FOR LONG-TERM STORAGE. IT'S MOSTLY I AM POWBD YARDS. I -- IMPOUND YARDS. I KNOW THIS OWNER HAS NO INTENTION TO DO THAT. I THINK THEY WOULD WANT TO STORE NEW CARS THERE. BUT IF WHAT YOU WERE GOING FOR WAS A MORE VIBRANT URBAN, CITIZENS MIXED USE, THEN VEHICLE STORAGE WOULD CERTAINLY NOT BE COMPATIBLE WITH THAT. LIKEWISE WITH LIMITED WAREHOUSING WHICH BRINGS 18 WHEELERS IN.

Mayor Wynn: IT SEEMS TO ME, I'M TRYING TO VISUALIZE THOSE TWO DIFFERENCES. I GUESS COMMERCIAL AUTO SALES OBVIOUSLY YOU HAVE A FAIR AMOUNT OF RETAIL TRAFFIC. YOU HAVE, YOU KNOW, LOTS OF CUSTOMERS, HOPEFULLY. GOING IN AND OUT OF THE PROPERTY. IF YOU JUST HAVE STORAGE, THAT'S -- THAT'S -- THAT WOULDN'T BE THE CASE, I GUESS, OTHER THAN THE ACTUAL DELIVERY AND RETRIEVAL OF CARS. CAN YOU -- IS THERE A WAY TO DISTINGUISH BETWEEN, YOU KNOW, CARS AND -- AND SALVAGE YARD. THAT MIGHT BE ABLE TO BE DONE IN A RESTRICTIVE COVENANT.

BUT AS FAR AS THE ICE CATEGORIES THAT -- AS THE USE CATEGORIES AND DIFFERENT --

OUR USE CATEGORIES ARE FAIRLY RIGID IN THAT THEY DON'T TAKE INTO ACCOUNT THE SIZE OF THE USE, ONLY -- ONLY THE -- WHETHER THE USE IS THERE OR IT'S NOT. SO YOU MIGHT HAVE A VERY SMALL USE OR A VERY LARGE ONE BUT THEY ARE TREATED THE SAME WAY UNDER THE CODE AND LIKEWISE WITH DIFFERENT TYPES OF VEHICLES STORAGE INAM POUND YARD OR NEW CARS, THEY WOULD BOTH BE VEHICLE STORAGE.

OKAY. COUNCILMEMBER DUNKERLY?

DO YOU HAVE SOME QUESTIONS?

IT IS A -- YOU SAID THESE WERE TWO TOGETHER, TALKING ABOUT 13 AND 14.

14 AND 15. THESE ARE ADJACENT LOTS. ONE FRONTS

KOENIG, ONE FRONTS GROVER. YOU CAN SEE THEM, THE LINE IS RIGHT DOWN THE MIDDLE AND THE NORTHERN ONE HAS FIRST TEXAS HONDA, THE SOUTHERN ONE HAS THE DARK BOWLING ALLEY. THIS IS JUST -- TWO THINGS ON ONE NUMBER?

RIGHT. TWO SEPARATE PROPERTIES, TWO OWNERS WITH ONE AGENT REPRESENTED BOTH OF THEM.

OKAY.

Mayor Wynn: SEEMS TO ME THAT THE TWO TRACTS ARE -- I WOULD CONSIDER DISTINCTLY DIFFERENT. I MEAN, JUST BOTH THE EXISTING USES, JUST THE FACT THAT THE -- THAT THE -- YOU KNOW THE -- I CAN PICTURE THE FIRST TEXAS HONDA TRACT, SO TRACT -- ZONING MOTION 14, IF THE MAP IS CORRECT, IT ACTUALLY IS -- HAS THREE, FRONTAGE ON THREE ROADS.

THAT'S RIGHT. IT DOES HAVE A LITTLE BIT OF FRONTAGE ON WOODROW.

Mayor Wynn: THAT'S A SIGNIFICANT CORNER, IF YOU WILL. THEN THE ROT TO THE SOUTH, THE DART BOWL IS AT LEAST VISUALLY ON A MAP IT'S FAR MORE RESTRICTIVE IN THAT CONTEXT. IT SEEMS TO ME THE TWO TRACTS ARE VERY DIFFERENT AND CURRENT USE AND LIKELY POTENTIAL REDEVELOPMENT THAT THE OWNERS HAVE THE SAME REQUEST, SAME CONDITIONAL OVERLAY.

FOR -- FOR THE DART BOWL THEY DON'T NEED VEHICLE STORAGE AND LIMITED WAREHOUSING. THEY ARE BASICALLY JUST ASKING FOR THE C.S. SITE STANDARDS FOR REDEVELOPMENT. ON THE FIRST TEXAS THEY WANT THE C.S. SITE STANDARDS FOR REDEVELOPMENT AND THEY ALSO WANTS THE OPTION TO DO THE VEHICLE STORAGE AND LIMITED WAREHOUSING.

MS. LOPEZ PHELPS, ANY COMMENTS?

GOOD EVENING, AMELIA LOPEZ PHELPS. ON TRACT -- ON THE FIRST TEXAS HONDA TRACT, WE -- WE FORGOT TO TELL BRYAN ABOUT THAT, WE ARE AGREEABLE TO THE 40-FOOT

HEIGHT LIMIT, WE WOULD LIKE TO KEEP THE C.S. STANDARDS. THIS PROPERTY IS ONE OF THE PROPERTIES THAT'S OWNED BY THE HEARTLYNN FAMILY ESTATE, THEY HAD THE FIRST TEXAS HONDA, UPPER END CARS, THE MIXED USE WAS REAL ATTRACTIVE TO US FOR VARIOUS REASONS, PRIMARILY IF THE SITE WAS REDEVELOPED AND VEHICLE STORAGE WAREHOUSE, THE VEHICLE STORAGE WOULD BE TO STORE THE VEHICLES FROM HIS OTHER DEALERSHIPS, MERCEDES, INFINITIES, THINGS LIKE THAT, IN A PROTECTED AREA IN THAT THEY KNOW THIS IS A VERY SAFE ENVIRONMENT IN THIS PARTICULAR NEIGHBORHOOD. WHAT WE ENVISION IS IF THEY DID THAT, YOU WOULD HAVE RESIDENTIAL BEHIND YOU, SOUTH. AND SO IF THEY DID THAT POTENTIALLY, THEY COULD HAVE VEHICLE STORAGE IN THE BACK, WHICH WOULDN'T CREATE NOISE AND TRAFFIC AND THEN THE MIXED USE WITH A ALLOW THEM TO DO SOME SORT OF DIVERSIFIED DEVELOPMENT TOWARD THE FRONT. WE DON'T HAVE A PLAN, WE DON'T HAVE AN INTENTION TO DO ANYTHING. WE ARE TRYING TO MAKE SURE THAT WE HAVE SOME OPTIONS, SOME FLEXIBILITY HERE FOR THE CLIENT. IN ADDITION TO THAT, WE HAVE THE HARTMAN ESTATE HAS INVESTED QUITE A BIT OF MONEY IN ALL OF THEIR SITES. TO DROP THIS PROPERTY FROM A C.S. TO A G.R. WOULD HAVE A FINANCIAL IMPACT ON THE PROPERTY VALUES. I WAS ASKED BY A COUPLE OF PEOPLE IF -- IF WE COULD GET A LETTER FROM A BANK INDICATING THAT THEY DO LOOK AT THE PROPERTY VALUES BASED ON ZONING CATEGORIES. I HAVE SPOKEN TO THREE DIFFERENT BANKS. THEY SAID THEY WOULD BE HAPPY TO WRITE A LETTER AS LONG AS IT -- AS LONG AS IT WASN'T PROVIDED TO THE PUBLIC GIVEN THEY HAVE A VARIETY OF CLIENTS, BUT THEY DEFINITELY DO LOOK AT THE ZONING CATEGORIES FOR PROPERTIES, ESSENTIALLY IF YOU HAVE AN EXISTING USE THERE. AGAIN, IF THERE'S A RESTRICTION ON SALVAGE YARDS OR USE CARS OR JUNK OR STUFF LIKE THAT, THAT'S SOMETHING THAT WE CAN PUT IN A RESTRICTIVE COVENANT. THE INTENT IS NOT FOR THAT BUT TO STORE NEW VEHICLES. THE WAREHOUSING WOULD BE FOR THE PARTS, BODY PARTS FOR VEHICLES. FOR THESE CARS FOR - - FOR ANY REPAIRS THAT YOU HAVE TO DO OFF-SITE SHOULD THAT HAPPEN.

Mayor Wynn: THANK YOU, FURTHER QUESTIONS?
COMMENTS?

McCracken: MAYOR?

Mayor Wynn: COUNCILMEMBER MCCRACKEN IN.

McCracken: THE OWNERS ARE FINE WITH HAVING THE 40-
FOOT HEIGHT LIMIT?

[INDISCERNIBLE]

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I WILL MAKE A MOTION FOR 14 B WITH THE 40-
FOOT HEIGHT LIMIT. ONE WIN IN OTHER WORDS SIMPLY
HAVING THE CONDITIONAL OVERLAY E. ANY DIFFERENCE.

ALL RIGHT.

Mayor Wynn: MOTION 14 B MADE BY COUNCILMEMBER
MCCRACKEN STRIKING THE REMOVAL OF THE 40-FOOT
HEIGHT LIMIT. THIS IS -- THIS IS PART OF TRACT 99, 1813 --
5813 WOODROW AVENUE.

Dunkerley: SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER DUNKERLY.
FURTHER DISCUSSION? I WILL SAY -- I WILL SAY I DEFINITELY
WOULD LIKE TO SEE THE -- THE AGENT WORK WITH STAFF
TO -- TO FIGURE OUT WHAT WOULD BE AN ACCEPTABLE, TO
THE COUNCIL, I GUESS THAT -- FOR RESTRICTIVE COVENANT
ON REALLY HELPING US DISTINGUISH BETWEEN
EVERYTHING FROM YOU KNOW SALVAGE YARDS TO -- TO
HOW TO DISTINGUISH WHAT WE HAVE -- YOU KNOW, WHAT
WE GENERALLY SEE WITH THESE DEALERSHIPS, WHICH IS A
NICE NEW CAR STORAGE. FURTHER COMMENTS?
QUESTIONS? IF NOT, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO MOTION PASSES ON A VOTE OF -- ON SECOND READING ON A VOTE OF 4-3 WITH COUNCILMEMBERS SLUSHER AND ALVAREZ AND THE MAYOR PRO TEM VOTING NO. SECOND READING ONLY. MOTION 14 B.

SO 15 IS THE DART BOWL JUST TO THE SOUTH.

Mayor Wynn: ALL RIGHT. I WILL ENTERTAIN A MOTION, FURTHER QUESTIONS OR COMMENTS? THIS IS 5700 GROVER LANE, THE DART BOWL TRACT JUST TO THE SOUTH OF FIRST TEXAS.

I HAVE A QUESTION. COUNCILMEMBER MCCRACKEN?

McCracken: FOR THIS PROPERTY THAT'S CURRENTLY USED AS THE DART BOWL, RIGHT?

RIGHT.

McCracken: IF THE -- IS THE ZONING THAT THE PROPERTY HAS CURRENTLY C.S.?

YES.

McCracken: IS THAT THE ZONING THAT WOULD BE NEEDED FOR THIS BOWLING ALLEY THE CURRENT USE?

NO, THE BOWLING ALLEY WOULD BE ALLOWED IN G.R.

I GUESS FOR MS. LOPEZ PHELPS THEN WHAT IS THERE -- I GUESS I'M TRYING TO FIGURE OUT THE ISSUE ABOUT WHAT MIGHT BE IF THE CURRENT ZONING MATCHES THE CURRENT USE.

THIS GOES BACK AGAIN TO -- TO ESPECIALLY THE LARGER PROPERTY OWNERS LIKE THIS, IF THEY HAVE A C.S. PROPERTY, THIS PARTICULAR CASE, THEY HAVE FOR MANY, MANY YEARS ALSO, THEY HAVE A PROPERTY VALUE BASED ON C.S. DEVELOPMENT STANDARDS. THE -- THE OVERLAY IN E, IT'S NOT A CONCERN. WE ARE AGREEABLE TO THAT, INCLUDING THE HEIGHT LIMIT. BECAUSE THAT ALLEY HAS BEEN -- THAT BOWLING ALLEY THAT BEEN THERE FOR SO MANY YEARS AND THE PROPERTY OWNERS HAVE HAD IT,

PROBABLY SOONER THAN LATER THEY MAYBE IN A POSITION TO GO AHEAD AND PURSUE REDEVELOPMENT OF THAT SITE SO THE C.S. WOULD ALLOW THEM TO DO SO AT THE [INDISCERNIBLE] OF THE C.S. TRACT. THEY WILL HAVE A LOT OF OTHER RESTRICTIONS THEY HAVE TO MEET BECAUSE OF THE SINGLE FAMILY BEHIND THEM. THEY HAVE THE LIMITED ACCESS, YOU HAVE A SCHOOL IN FRONT OF YOU. SO THERE'S GOING TO BE A LOT OF OTHER THINGS THAT WE ARE GOING TO HAVE TO BE DEALING WITH SO THE C.S. WOULD GIVE THEM A LITTLE SOMETHING TO WORK WITH AS FAR AS DESIGN, LAYOUT AND IMPERVIOUS COVER AS WELL AS THE FINANCIAL VALUE OF THE PROPERTY.

Mayor Wynn: FURTHER COMMENTS? I'LL ENTERTAIN A MOTION ON 15.

Goodman: MAYOR?

Mayor Wynn: MAYOR PRO TEM?

Goodman: OKAY. THIS IS REALLY TOUGH. AMELIA JUST MADE THIS REALLY TOUGH BECAUSE I DON'T WANT BOWLING ALLEYS TO GO THE WAY OF DRIVE-INS. SO TALKING ABOUT REDEVELOPMENT, UNDER C.S. HAS MADE ME VERY NERVOUS. FOR SECOND READING ONLY, THOUGH, BECAUSE THE OPENERS ALSO HAVE BEEN GOOD NEIGHBORS, I WILL OFFER 15 B. 16 B, RIGHT. 15. WE ARE ON 15.

OKAY. I WAS RIGHT.

Goodman: ALL RIGHT. OKAY. BUT ONLY FOR SECOND READING FOR SURE. AND THIS IS MORE ABOUT -- ABOUT WHAT I THOUGHT WAS A SUSTAINABLE LAND USE WITH -- THAT WOULD BE A BENEFIT BECAUSE OF SO MANY GOOD THINGS THAT HAVE HAPPENED THERE OVER THE YEARS. I DON'T KNOW IF I WILL STICK WITH THIS FOR THIRD READING.

Mayor Wynn: MOTION 15 B MADE BY THE MAYOR PRO TEM. SECONDED BY COUNCILMEMBER MCCRACKEN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

Mayor Wynn: NO. MOTION PASSES ON A VOTE OF 6-1, SHOWING THE MAYOR VOTING NO. SECOND READING ONLY. MOTION 16.

NUMBER 16 IS THE LAST ONE ON KOENIG LANE. THIS IS A MID BLOCK PROPERTY ON THE WESTERN SEGMENT, WHICH IS -- WHICH IS THE COMPREHENSIVE PLAN CALLS FOR L.O. ZONING FOR THE MID BLOCK PROPERTIES AND SO THIS PROPERTY IS RECOMMENDED FOR L.O.-M.U. ZONING. THIS IS CURRENTLY OWNED BY PARAGON PREP, IT'S A VACANT PROPERTY. IT'S THE PROPERTY THAT THEY WOULD LIKE TO EXPAND INTO. AGAIN THE PLANNING COMMISSION RECOMMENDATION IS L.O. CASH M.U. THERE IS A VALID PETITION AND THIS ONE IS FROM THE ADJACENT PROPERTY OWNERS FROM THE NEIGHBORS AROUND IT. AND THE -- THE ADJACENT NEIGHBORS ARE PETITIONING, IT'S CURRENTLY ZONED S.F. 3 AND THEY ARE PETITIONING ANYTHING HIGHER THAN N.O.-M.U.-C.O. WITH A CONDITIONAL OVERLAY PROHIBITING PRIVATE PRIMARY AND PRIVATE SECONDARY SCHOOL USES.

Mayor Wynn: I'M SORRY CAN YOU REPEAT THE NEIGHBORHOOD PROPOSED C.O.

IT'S SO PROHIBIT PRIVATE PRIMARY AND PRIVATE SECONDARY USES. PRIVATE PRIMARY WOULD BE AN ALLOWED USE IN L.O., AND PRIVATE SECONDARY COULD BE A CONDITIONAL USE IN L.O.

Mayor Wynn: BUT THEY ARE SUGGESTING THAT NEITHER ONE BE ALLOWED PERIOD?

RIGHT. THEY ARE SUGGESTING PROHIBITING BOTH. COUNCILMEMBER DUNKERLY?

Dunkerley: IS THIS THE SCHOOL THAT HAS ALREADY AGREED TO A LIMIT ON ENROLLMENT.

THIS IS THE ONE THAT HAS A RESTRICTIVE COVENANT ON

THE TRACT THAT THEY CURRENTLY OPERATE THE SCHOOL OUT OF. I DON'T THINK THAT THERE IS ANY AGREEMENT ON - ON THIS TRACT. THAT WE ARE TALKING ABOUT HERE, BUT MAYBE --

Dunkerley: IS THIS THE TRACT WHERE THEY ARE GOING TO DO THEIR ADMINISTRATIVE OFFICES AND PERHAPS TAKE SOME OF THEIR FIFTH GRADE CLASS AND SPREAD IT BETWEEN THE TWO BUILDINGS BUT NOT INCREASE THE TOTAL NUMBER OF STUDENTS.

THAT'S RIGHT. THE INTENT IS TO HAVE THE OFFICE THERE, MOVE SOME OF THE CURRENT STUDENTS PRIMARY SCHOOL STUDENTS OVER TO THIS BUILDING, AND --

AND EXCUSE ME, SO IN THIS CASE THE OWNER IS IN AGREEMENT WITH THE NEIGHBORHOOD PLAN. THE PLANNING COMMISSION -- THE PLANNING COMMISSION RECOMMENDATION THAT ALSO CAME THROUGH THE NEIGHBORHOOD PLAN.

THAT'S RIGHT.

AND STAFF HAS -- STAFF IS ENCOURAGED WITH THAT.

YES, THAT IS WHAT WOULD BE -- RECOMMENDED FOR ALL OF THE MID BLOCK PROPERTIES ON KOENIG LANE COMPREHENSIVELY.

Dunkerley: I WOULD MOVE APPROVAL OF -- OF GOING TO -- TO 16 A, THE PLANNING COMMISSION RECOMMENDATION.

COUNCILMEMBER DUNKERLY MOVES APPROVAL OF 16 A, THE PLANNING COMMISSION RECOMMENDATION OF L.O.-M.U.-N.P. SECONDED BY COUNCILMEMBER THOMAS. FURTHER COMMENTS?

I HAVE A QUESTION.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: ON -- I REMEMBER THAT THERE WERE -- THAT THE RESTRICTIVE COVENANT WAS THERE FOR THE EXISTING

SCHOOL LIMITING ENROLLMENT. AND SO -- SO THAT WOULD LIMIT THE NUMBER OF STUDENTS ON THOSE TRACTS, FOR WHICH THAT RESTRICTIVE COVENANT IS IN EFFECT. AND BUT THERE IS NO RESTRICTIVE COVENANT ON -- -- IS THIS JUST ONE TRACT OR TWO?

JUST ONE.

JUST ONE TRACT. SO -- SO COULD THEY ADD THE -- HAVE THE FIFTH GRADE STUDENTS ON THIS TRACT AND THEN ADDITIONAL STUDENTS YOU KNOW WHAT I MEAN? THE SAME NUMBER OF STUDENTS THAT THEY HAVE NOW ON THE OTHER TRACTS?

THERE'S NO RESTRICTIVE COVENANT ON THIS TRACT SO THEY COULD ADD STUDENTS TO THE YEAR ALL SCHOOL -- OVERALL SCHOOL BY ADDING THEM TO THIS TRACT. OR TAKING STUDENTS AWAY FROM THE OTHER ONE AND ADDING THEM, A NEW --

Alvarez: WELL, I DO REMEMBER THAT THE AGENT AT LEAST SAYING THEIR INTENTION WASN'T TO ADD MORE STUDENTS. SO IT SEEMS LIKE IT MIGHT BE IF YOU JUST ADD, PUT A RESTRICTIVE COVENANT ON THIS TRACT THAT SAYS THAT IT WON'T GO OVER THAT -- YOU KNOW, THAT ORIGINAL COMMITMENT THEY MADE TO THE NEIGHBORHOOD. I THINK THAT'S THE ONLY WAY THAT I COULD SUPPORT THIS, IF THAT SAFEGUARD WAS IN PLACE. I DON'T KNOW IF YOU WOULD LIKE TO SPEAK TO THAT.

SURE, I'M DAVID McGRAPH, THE OWNER OF PAIR GONE PREP, HEADMASTER, SCIENCE TEACHER AND THE JANITOR. WE PURCHASED THIS SECOND TRACT FROM OUR NEIGHBORHOOD DOROTHY SCHWARZENNEGER RIGHT BEFORE SHE -- DOROTHY SWHRASWZ SHE WAS A BIG FAN OF THE SCHOOL AND WANTED US TO USE THE HOUSE AS PART OF THE SCHOOL. WE HAVE GOTTEN WHERE WE CAN AFFORD TO DEVELOP THAT HOUSE INTO AN ADMINISTRATIVE OFFICE AND A SPECIAL SPACE FOR OUR FIFTH GRADERS WHO ARE AN INDEPENDENT PART OF OUR SCHOOL. THEY DON'T SWITCH CLASSES LIKE THE OTHER KIDS DO. WE HAVE NO INTENTION OF INCREASING ENROLLMENT OVER WHAT WE PUT ON THE OTHER PROPERTY. SO I WOULD HAVE NO

PROBLEM AGREEING TO THAT SAME LIMIT OF -- THE RESTRICTION ON ENROLLMENT. THIS DOESN'T BOTHER US A BIT. WE JUST WANT A LITTLE MORE ELBOW ROOM FOR THE KIDS.

Alvarez: THAT WOULD HAVE TO BE DONE THROUGH A NEW RESTRICTIVE COVENANT OF SOME KIND.

DOES THE -- DID THE NEIGHBORHOOD WANT TO SPEAK TO THAT.

DON LAITON BURR WELL. WE -- WHEN WHEN THIS FIRST CAME ACROSS OUR RADAR, THE SCHOOL WAS -- DIDN'T HAVE THE CONDITIONAL USE PERMIT THAT THEY NEEDED IN ORDER TO OPERATE THERE. IN OUR GOOD FAITH NEGOTIATIONS WITH DAVID AND HE'S BEEN VERY INVOLVED IN THE NEIGHBORHOOD PLANNING, WE THOUGHT THAT WE CUT A DEAL WITH HIM. THAT DEAL IS REFLECTED IN THIS RESTRICTIVE COVENANT. I WOULD LIKE TO READ A COUPLE OF THINGS REAL QUICKLY HERE. A CONDITIONAL USE PERMIT ISSUED BY THE CITY OF AUSTIN ALLOWING THE OWNER AND IT'S AFFILIATES TO OPERATE A MIDDLE SCHOOL CONSISTING OF 6th AND 8th GRADE ONLY SHALL BE LIMITED TO THE CURRENT CONFIGURATION OF THE BUILDINGS EXISTED AT THE DATE HEREOF, ALSO THAT THE ENROLLMENT WOULD BE CAPPED AND IT SAID THAT ANY BENEFITS OF THIS SHALL NOT BE TRANSFERABLE TO FUTURE PROPERTY, FUTURE OWNER OF THE PROPERTY. SO IT WAS BASICALLY LIMITED, IT WAS OUR WAY AS A NEIGHBORHOOD ASSOCIATION OF TRYING TO BAIL DAVID OUT. WHAT WE DIDN'T KNOW AT THAT POINT IN TIME WAS HE WAS ALREADY IN NEGOTIATIONS WITH THE PEOPLE NEXT DOOR TO BUY THE HOUSE TO BE ABLE TO -- TO BUY THE HOUSE TO BE ABLE TO EXPAND THE SCHOOL. IT WAS OUR UNDERSTANDING THAT WE WERE HELPING HIM TO HAVE HIS SCHOOL AT HIS CURRENT LOCATION WITH THE UNDERSTANDING THAT ENROLLMENT AND THE SCHOOL ITSELF PHYSICALLY WOULD NOT EXPAND AND AGAIN THOSE WERE ALL GOOD FAITH EFFORTS, WE DIDN'T HAVE ENOUGH SENSE OR MONEY TO HIRE AN ATTORNEY ON OUR PA ARE THE TO OVERSEE THE RESTRICTIVE COVENANT AND NOW WE ARE UNDERSTANDING THAT THAT CANNOT BE ENFORCED. I ALSO HAVE A -- HAVE A DRAWING HERE FROM -

- THAT DAVID HAD GIVEN US SHORTLY AFGHANISTAN WEAFGHANISTAN WE FOUND OUT THAT HE WANTED TO PIT A GYMNASIUM ON THIS SITE UNDER CONSIDERATION RIGHT NOW. SO WHETHER THAT HOUSE STAYS OR GOES, IS STILL UP FOR GRABS AS WELL. SO I THINK THAT THERE'S A NUMBER OF THINGS THAT WE HAVE CONCERNS ABOUT. AND OUR BELIEF AND OUR DISCUSSIONS WITH DAVID HAVE BEEN THAT THIS IS AN ODDBALL PIECE OF PROPERTY THAT THE SCHOOL THAT HE'S IN IS A THREE-STORY BUILDING ON KOENIG LANE. IT WOULD NOT BE ALLOWED TODAY. WE WOULD LIKE TO COPY THE SMALLER CHARACTER OF THE HOUSES AND SUCH, HONESTLY HE NEEDS PLAYGROUNDS, A DIFFERENT KIND OF SITE. A LOT THAT IS A RESIDENTIAL DEPTH IS NOT AN APPROPRIATE LOT FOR MIDDLE SCHOOL WITH 186 KIDS. THANK YOU.

IF I MAY?

Mayor Wynn: SURE.

A COUPLE OF POINTS. ONE WE ARE A TWO STORY BUILDING. WE HAVE 110 STUDENTS. WE ACTUALLY PURCHASED THE OTHER LOT, THE 2003 BEFORE WE ENTERED INTO THE RESTRICTIVE COVENANT. IT WAS EXPLAINED TO US THAT THE RESTRICTIVE COVENANT ONLY APPLIED TO OUR CURRENT BUILDING AND OUR CURRENT PROPERTY. WE HAD ALREADY PURCHASED THE NEW PROPERTY WITH THE IDEA OF EXPANDING OVER A CLASS ROM OVER THERE. WE HAD DISCUSSED THAT WITH -- WITH MR. BROCK AND MR. BURRWELL AND THE NEIGHBORS PRIOR TO AGREEING TO THE RESTRICTIVE COVENANT. SO I DON'T THINK WE EVER VIOLATED THE SPIRIT OF THE RESTRICTIVE COVENANT BECAUSE WE ALREADY OWNED THE OTHER LOT THAT WE WERE GOING TO EXPAND THE SCHOOL TO. THUS WE UNDERSTOOD THE RESTRICTIVE COVENANT TO APPLY ONLY TO THE PROPERTY THAT -- THAT IT FELL UNDER. NOT THIS NEW PROPERTY THAT WAS SOLD TO US BY DOROTHY.

Mayor Wynn: THANK YOU, SIR. THE QUESTION FOR STAFF, SO TECHNICALLY THE ESSENTIAL VALID PETITION THAT WE ARE FACING ON THIRD READING IS THAT THE NEIGHBORHOOD WANTS NO ON THIS ONE LOT IN THE MIDDLE OF THE BLOCK THAT OTHERWISE EVERYTHING ELSE IS L.O. AND THE

NEIGHBORHOOD PLAN AND THE STAFF RECOMMENDATION WHO A CONCEPT AT THE CORNERS, L.O. AT ALL OF THE MID BLOCK LOTS.

THAT'S CORRECT.

Mayor Wynn: OKAY. SO WE HAVE A MOTION. 16 A. COUNCILMEMBER DUNKERLY SECONDED BY COUNCILMEMBER THOMAS ON THE TABLE. SECOND READING ONLY? FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

LIKE I SAY, I'M STRUCK GELLING WITH THIS ONE -- STRUGGLING WITH THIS ONE, MAYOR, BUT I'M GOING TO VOTE FOR IT ON SECOND READING.

Mayor Wynn: UNDERSTOOD.

MAY MAY I BE ALOUED TO SPEAK AT THIS POINT OR IS THAT INAPPROPRIATE.

I THINK IN FAIRNESS TO DAVID, CLEARLY HE AND I HAVE -- WE HAD DIFFERENT UNDERSTANDINGS APPARENTLY OF THE SAME EVENT. AND HE'S EXPRESSED A WILLINGNESS TO STAY WITHIN HIS EXISTING ENROLLMENT CAP FOR 2001 AND THAT'S ADMIRABLE, WE APPRECIATE THAT. HE'S EXPRESSED A NEED FOR ELBOW ROOM. AND WE THINK THAT IF YOU CAN GET BEHIND THIS CONDITIONAL OVERLAY, THAT KEEPS THE CAMEL'S NOSE BACK ON THE OTHER TENT. HE CAN WIN HIS - - BRING HIS ADMINISTRATIVE USES OVER TO THE PROPERTY THAT HE BOUGHT WHILE NEGOTIATING WITH US ORIGINALLY. AND THUS EXPAND THE ORIGINAL CAMPUS, BUT ALL ALONG THE WAY, WHEN -- WHEN THIS PROCESS BEGAN, OUR UNDERSTANDING WAS THAT -- THAT TO WORK WITH HIM, WE WOULD RESTRICT THAT CAMPUS TO ITS EXISTING FOOTPRINT. SO THAT -- SO THE RESTRICTIVE COVENANT APPARENTLY IS ONLY BINDING ON 2001, BUT -- BUT WE DIDN'T WRITE IT, WE DIDN'T SIGN IT, WE DIDN'T HAVE THAT UNDERSTANDING. WE THOUGHT THAT WE HAD GOTTEN HIM TO AGREE TO LIMIT THAT SCHOOL TO ITS ORIGINAL FOOTPRINT. HAVING MADE THAT MISTAKE, WE ARE NOW REACHING OUT WITH HIS CONDITIONAL OVERLAY TO GET BACK TO WHERE WE STARTED, WHICH IS THE EXPRESSION

THAT I THINK MR. MCCRACKEN USED WAS A DEAL WAS A DEAL. I APPRECIATE THE FACT THAT YOU POINTED OUT MAYOR THAT -- THE DISCREPANCY BETWEEN N.O. AND L.O. OUR DEAL BREAKER FOR THIS OR WHERE WE ARE COMING ON STRONGEST IS THE CONDITIONAL OVERLAY. CERTAINLY - - CERTAINLY L.O. WOULD BE FINE. WHAT'S GOING ON THERE IS THAT -- THAT'S JUST THE LANGUAGE OF THE PETITION ORIGINALLY AND IT -- IT ALSO SUGGESTS THAT -- THE HISTORY THAT WE'VE HAD ON KOENIG LANE AS A NEIGHBORHOOD ASSOCIATION AND AS A GROUP OF NEIGHBORS, WE HAVE ALWAYS ADVOCATED FOR N.O. ALONG COMPANY KOENIG KOENIG LANE. I THINK WE CAN RECONCILE OUR POSITION, BUT WE ARE STILL LOOKING OF THE CONDITIONAL OVERLAY IN THE SPIRIT OF A DEAL IS A DEAL. YOU GUYS MENTIONED A NEW RESTRICTIVE COVENANT. IN A WORST CASE SCENARIO IF THAT'S WHAT WE ARE LEFT WITH, WE WOULD CERTAINLY WANT TO BE A PARTY TO ITS CREATION. AND HOMELY HAVE THE CITY SIGN ON. THE AGREEMENT AS WELL. SO THAT -- SO THAT THERE WOULD NOT BE ANY CONFUSION ABOUT WHAT KIND OF A DEAL IS MADE THIS TIME. I THINK THAT IT'S FAIR THAT WE HAVE DIFFERENT UNDERSTANDINGS OF THE SAME EVENT. SO YOU KNOW THERE YOU HAVE IT. AND THANK YOU FOR LISTENING, SORRY TO INTERRUPT AGAIN.

Mayor Wynn: THAT'S ALL RIGHT, MR. BROCK. OKAY, WE HAVE A MOTION AND A SECOND. 16 A ON THE TABLE. FURTHER COMMENTS?

McCracken: I WOULD ENCOURAGE THE PARTIES TO TRY TO WORK TOWARDS A RESTRICTIVE COVENANT SO WE CAN HAVE CLARITY OF UNDERSTANDING BY ALL STAKEHOLDERS INVOLVED.

Mayor Wynn: ALL THOSE IN FAVOR OF THE MOTION PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF SECOND READING ONLY ON A VOTE OF 7-0.

NUMBER 17, IS THE THIRD AND FINAL PROPERTY THAT IS

REQUESTING TO MAINTAIN THEIR C.S. 1 ZONING. THIS ONE DOES FRONT ON TO LAMAR. JUST TO REMIND YOU, THE AGENT IS JOHN JOSEPH, JR. THIS IS THE THIRD ONE ASKING TO KEEP THE C.S. 1 AND THEY ALSO WOULD -- WOULD MAINTAIN THE CONDITIONAL OVERLAY THAT WAS PROPOSED BY PLANNING COMMISSION.

Mayor Wynn: JUST FOR MY SAKE, REMIND ME THE BLEW HARSHING ON -- BLUE HASHING --

BLUE HATCHING REPRESENTS A SPECIAL USE THAT APPLIES TO THE RESIDENTIAL PROPERTY, IT WOULDN'T APPLY TO THE COMMERCIAL PROPERTIES, IT'S FOR SMALL LOT, SINGLE FAMILY.

Mayor Wynn: THANK YOU, THIS IS A SUBDISTRICT WITHIN THE NEIGHBORHOOD PLAN.

THAT'S RIGHT.

ALL RIGHT.

Dunkerley: TO BE CONSISTENT WITH THE PREVIOUS MOTION, I WOULD MAKE A MOTION FOR 17 B ON SECOND READING.

SECOND.

MOTION AND A SECOND. FOR MOTION 17 17 B. THIS IS TRACT -- A PORTION OF TRACT 210 WEATHER, A PORTION OF -- 210 B, A PORTION OF [INDISCERNIBLE] NORTH LAMAR, C.S. 1 M.U. N.P. CONDITIONAL OVERLAY A ... FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN WAS THE SECOND. DUNKERLY, MCCRACKEN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON SECOND READING ONLY ON A VOTE OF 5-2 WITH COUNCILMEMBER SLUSHER AND

ALVAREZ VOTING NO.

NUMBER 18 IS TRACT 222 B, 608 608 KENNINGSTON, THE SAME RECOMMENDATION AT AIRPORT BOULEVARD, C.S. M.U. C.O. WITH CONDITIONAL OVERLAY B. THE CURRENT USE IS MOVING COMPANY WHICH IS A WAREHOUSE USE, THE PROPERTY OWNER IS OPPOSED TO THE CONDITIONAL OVERLAY. THIS IS ALSO THE SAME PROPERTY OWNER AS TRACT 3, HE'S -- HE WASN'T HERE AT FIRST READING AND HE'S NOT HERE THIS EVENING.

Mayor Wynn: [INDISCERNIBLE]

RIGHT, APPLE MOVING, THIS IS CHAPARRAL MOVING.

COUNCILMEMBER MCCRACKEN?

McCracken: I WILL MAKE A MOTION HERE FOR 18 A. PLANNING COMMISSION RECOMMENDATION.

Mayor Wynn: I'LL SECOND THAT MOTION 18 A ON 608 CONTENTIONSTON DRIVE, TRACT 2222 B. KENNINGSTON, C.S. CRU ... CONDITIONAL OVERLAY B SECOND READING ONLY. FURTHER COMMENTS? QUESTIONS? ALL THOSE IN FAVOR PLEASE SAY AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER THOMAS TEMPORARILY OFF THE DAIS. MOTION 19 WE ARE GOING TO HAVE TO ALWAYS ADDRESS THE NEIGHBORHOOD PLAN, CORRECT?

RIGHT. I CAN EXPLAIN 19, 20, 21 AND 22 TOGETHER FOR YOU. THESE ARE ALL OWNED BY THE HARDEMAN FAMILY THAT WE TALKED ABOUT, FIRST TEXAS HONDA THE OTHER CAR DEALERSHIPS. THE AGENT IS AMELIA LOPEZ PHELPS FOR ALL OF THEM. THE MAIN ISSUE ON THESE IS THEY -- THEY CURRENTLY HAVE C.S. ZONING, THE PLAN RECOMMENDS MOST OF THEM TO GO TO -- TO G.R. AND THE OWNER LIKE WITH FIRST TEXAS HONDA WANTS TO MAINTAIN THE C.S. SITE STANDARDS AND THE VEHICLE STORAGE AND LIMITED WAREHOUSING USES. THAT'S BASICALLY THE ISSUES ON 19, 20, 21 AND 22. BUT I'LL TAKE YOU THROUGH 19 IS A UNIQUE ONE. AND -- IN THAT THIS ONE IS ACTUALLY CURRENTLY

ZONED M.F. 3 AND -- AND THE AUTO DEALER IS USING IT FOR PARKING. WHICH IS NOT ALLOWED IN M.F. 3. I BELIEVE THEY ARE LEGAL. ALTHOUGH -- ALTHOUGH I'M NOT CERTAIN OF THAT. AND IT'S ON A STREET THAT IS -- THAT IS A RESIDENTIAL STREET THAT HAS MOSTLY MULTI-FAMILY ON IT. SO THE NEIGHBORHOOD PLAN AND PLANNING COMMISSION RECOMMENDATION ON THAT ONE IS TO MAINTAIN THAT M.F. 3. THERE'S NOT A PETITION ON THIS ONE, THE PROPERTY OWNER WANTS TO HAVE G.R. M.U.-C.O. THIS IS TRACT 238. I THINK WE SHOULD POINT IT OUT TO YOU ON THE MAP SO YOU SEE WHAT WE ARE TALKING ABOUT. ALL OF -- IT'S ON KENNINGSTON, YOU SEE NUMBER 282 THE BIG WHITE SPOT, THE PINK ONES ON EITHER SIDE. THIS IS ON THE RIGHT SIDE THERE. KENNINGSTON IS RECOMMENDED FOR MULTI-FAMILY, THAT IS BASICALLY WHAT EXISTS THERE. BUT 271 IS THE MERCEDES DEALER, THEY USE TRACTS 272, 282, 293 239 AND 238 FOR THEIR PARKING. THIS IS THEIR EMPLOYEE PARKING, I DON'T THINK THEY'RE STORING NEW CARS THERE. 272 IS -- IS CURRENTLY G.R., 239 IS CURRENTLY S.F. 3, AND TO THE EAST OF 239 IS S.F. 3. 282 IS CURRENTLY M.F. 3 AND 238 IS CURRENTLY S.F. 3. SO FOR KENNISTON THE RECOMMENDATION IS TO GO TO MULTI-FAMILY 3 FOR ALL OF IT, EVEN THOUGH THEY ARE USING IT FOR PARKING NOW. FOR 272, 239, THE RECOMMENDATION IS TO GO TO G.R. THERE. RIGHT NOW TALKING ABOUT 238, CURRENTLY S.F. 3, THE PLAN RECOMMENDS TO GO UP TO MULTI-FAMILY, WHICH IS WHAT YOU PRIMARILY HAVE ON KENNISTON THERE. THAT'S A PICTURE OF WHAT'S EXISTING THERE, THE PARKING ON THAT STREET THAT'S CURRENTLY GOT A MIX OF SINGLE FAMILY AND MULTI-FAMILY. THE PLAN RECOMMENDS TAKING IT ALL UP TO MULTI-FAMILY. THAT'S KINDS OF COMPLICATED IF YOU HAVE ANY QUESTIONS ON IT.

Mayor Wynn: QUESTIONS? I DON'T KNOW WHERE TO BEGIN. COUNCILMEMBER ALVAREZ?

Alvarez: THE ONLY ONE THAT'S WE ARE DEBATING ARE 238 AND 240?

CURRENTLY, IF WE COULD JUST TALK ABOUT 238, BECAUSE THAT ONE IS UNIQUE. THAT ONE IS THE BACK SIDE AND IT'S -- IT'S ON A STREET THAT'S GOT MULTI-FAMILY AND EVEN

THOUGH THEY ARE PARKING THEIR CARS THERE, THEY ARE ASKING FOR G.R. AND THE PLAN IS RECOMMENDING MF 3 SO REDEVELOPMENT WOULD BE CONSISTENT WITH THE RESIDENTIAL NATURE OF THAT STREET. THEN THEY ARE ASKING FOR HAVE G.R. WHICH WOULD ACTUALLY ALLOW THE PARKING PLUS AUTO SALES ON IT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

IT'S ALL 407 KENNISTON.

Mayor Wynn: AND SO WHY IS -- I ALSO CAN'T READ IT ON MY MAP. WHY IS THE PURR KNELL 238, IT LOOKS LIKE, AND THEN THE TRACT TO THE WEST OF THAT, WHY IS IT WHITE?

BECAUSE IT'S ALREADY MF-3, AND WE'RE PROPOSING TO UPZONE 238 FROM SF-3 TO MF-3 TO MAKE IT THE SAME AS THE REST OF KENNISTON. THE PROPERTY OWNER WANTS GR THERE. BECAUSE THEY CURRENTLY USE IT FOR PARKING, WHICH IS AN -- WHICH ISN'T ALLOWED IN MF-3 AND I SUPPOSE FOR FUTURE DEVELOPMENT THEY WOULD WANT THAT.

Mayor Wynn: AND ALSO WANTS GR ON THE WHITE TRACT ZONED MF, RIGHT THERE. IS THAT EVEN PART OF ONE OF THESE MOTIONS HERE IN A LITTLE WHILE?

WE DON'T HAVE IT AS PART OF ONE.

Mayor Wynn: I GUESS I DON'T UNDERSTAND WHY THAT WOULD BE LEFT MF -- MS. LOPEZ PHELPS?

AMELIA LOPEZ-PHELPS. IT'S A LITTLE BIT CONFUSING. I SPOKE TO OUR CLIENT ABOUT THIS, AND I APOLOGIZE. I DIDN'T GET A COPY OF THE SITE PLAN OR PERMITS FOR THE SITE. THOSE LOTS ARE ALL USED AS ONE PARKING LOT. THEY DO TAKE ACCESS PRIMARY MR. PAMPA. THEY DO HAVE ACCESS TO KENNISTON. IN THESE YOU WANT TO HAVE TWO ACCESS POINTS IN CASE THERE'S A FIRE BLOCKING THE STREET. WE DON'T NEED GR FOR CAR SALES. I'M GOING TO HAVE TO GUESS THAT THE REASON THE FM 3 THAT'S EXISTING WAS NOT PROPOSED FOR ZONING CHANGE IS BECAUSE APPARENTLY THE PLANNING COMMISSION IS PROPOSING MULTI-FAMILY BECAUSE THERE IS MULTI-FAMILY

ON KENNISTON. OUR CLIENT -- AND AGAIN I APOLOGIZE I DON'T HAVE A COPY OF THE PERMITTED SITE, BUT APPARENTLY THIS GOT PERMITTED AT SOME POINT TO ALLOW THEM TO USE THIS OFF SITE PARKING FOR THE MERCEDES BENZ SITE. I DON'T REMEMBER WHAT YEAR THAT OCCURRED. IT'S ABOUT THERE FOR A WHILE. HE WAS SURPRISED WHEN THE ZONING MAP SHOWED HIM AS MF---SF-3. IT WAS MULTI-FAMILY ON THE KENNISTON. HE SAID I THOUGHT I HAD GR ON THE PAMPA SITE. SO WE'RE TRYING TO GET VERIFICATION LETTER FROM THE CITY BEFORE WE COME IN FOR THIRD READING TO CLEAR THAT UP. HOWEVER THE POINT BEING THAT ALL THESE TRACTS HAVE BEEN USED FOR SEVERAL YEARS AS OFF SITE PARKING. AS BRYAN INDICATED, THERE'S MOSTLY MULTI-FAMILY ON KENNISTON. THERE'S A COUPLE OR TWO OR THREE SINGLE-FAMILY HOUSES THAT HAVE BEEN THERE THAT ARE PRETTY OLD. AND WE STILL THINK THIS IS AN APPROPRIATE USE. IT'S BEEN THERE AWHILE AND OBVIOUSLY PERMITTED PREVIOUSLY. WE'RE JUST ASKING TO -- WE'LL SEE THE WHITE TRACT, THE ONE THAT'S WHITE THERE, YOU CAN'T UP ZONE THAT RIGHT NOW TO BRING THIS INTO LEGAL CONFORMANCE, WE HAVE TO COME BACK AND ASK FOR THAT TO BE GR ZONING. THE GR IS NOT INTENDED TO SELL CARS THERE, BUT TO HAVE OUR PARKING THERE. A LONG ANSWER, I'M SORRY.

Mayor Wynn: THAT'S FINE. THANK YOU. SO THE REASON -- HENCE THE REASON THE LARGER TRACTS ON KENNISTON IS WHITE AND NOT PROPOSED A ZONING CHANGE IS BECAUSE IT'S CURRENTLY ZONED MF-3 AND STAFF AND THE PLANNING COMMISSION AND THE NEIGHBORHOOD PROCESS -- PLANNING PROCESS CONSIDERS MF-3 TO BE THE APPROPRIATE.

RIGHT. KENNISTON IS A TRANSITIONAL STREET AND IT'S GOT MULTI-FAMILY AND TOWNHOUSE AND CONDO ZONING.

Mayor Wynn: OKAY. COUNCILMEMBER ALVAREZ?

Alvarez: YOU DON'T NEED GR FOR THE PARKING, RIGHT?

YOU WOULD ONLY NEED N.O., ANY COMMERCIAL DISTRICT

COULD HAVE THE PARKING ON IT.

Alvarez: YOU WOULD LIKE TO ADDRESS THAT, MS. PHELPS?

YES, I WOULD. AGAIN, IT GOES BACK -- NOW, IN THIS CASE IT'S A LITTLE UNIQUE COMPARED TO MY PREVIOUS ARGUMENT. THIS IS A PARKING LOT. YES, WE DO PARK HERE. N.O. IS OFF SITE PARKING. I GUESS WHAT WE'RE ASKING IS TO TRY -- WE'RE PROPOSING TO HAVE THIS WHOLE PARKING LOT ZONED AS GR. WE DO HAVE THE FRONT SECTION THAT'S GR ON PAMPA. OBVIOUSLY WE COULD HAVE A GR-NO MIXED ZONING CATEGORY SO IT WOULD BE A PARKING LOT. WE PREFER TO GO AHEAD AND KEEP IT UNIFORM SINCE IT IS ONE OWNER AT SOME POINT. AND WE WOULD ASK YOU TO CONSIDER LEAVING THE GR EXISTING ZONING THE GR ON PAMPA AND ZONING THE END OF 3 ON KENNISTON TO GR. AND I DON'T KNOW IF YOU WOULD DO ANYTHING TO THE TRACT THAT ARE WHITE RIGHT NOW. IT ALL GOES BACK TO THE VALUE OF THE PROPERTY FOR THE EXISTING USE, THE PROPOSED USE. AND IN THIS CASE SINCE WE'RE USING ALL THOSE LOTS TOGETHER AS ONE SITE, WE WOULD ASK YOU TO TAKE THAT INTO CONSIDERATION.

Alvarez: AND WHAT -- IF YOU'RE ALREADY GETTING WHAT YOU WANT ON THE PAMPA SIDE, RIGHT, IT SOUND LIKE?

YES, WE ARE. WE'RE FINE WITH THAT.

Mayor Wynn: WHY CAN'T I FIND -- WHY DO YOU HAVE COLORED IN LIGHT BLUE UP THERE AS 272?

THAT'S RIGHT.

Mayor Wynn: I CAN'T FIND THAT ON OUR MOTION SHEET, THOUGH.

IT WON'T BE ON YOUR MOTION SHEET BECAUSE THE PROPERTY OWNER AGREED WITH THE GR RECOMMENDATIONS.

Mayor Wynn: SO IN FACT IT GOT ZONED --

THE PLAN IS RECOMMENDING FOR 272. FROM GR TO GR WITH THAT CONDITIONAL OVERLAY. AND THEY ARE IN AGREEMENT WITH THAT.

Dunkerley: DOES THAT GR THEN ABUT THAT OTHER 238?

YES, IT 238 AND 239 THEY'RE ZONED SINGLE-FAMILY, BUT THEY'RE PART OF THE SAME PROPERTY. IT'S A BIG PIECE OF PROPERTY THAT'S SPLIT UP INTO THREE ZONINGS. BECAUSE PART OF IT -- I'M SORRY. THEY'RE SEPARATE ZONING ON ONE PIECE OF PROPERTY IS MY UNDERSTANDING. 407 KENNISTON IS THE OWNERS. OKAY. IT'S ALL 407 KENNISTON, BUT IT HAS THREE ZONINGS ON IT. BECAUSE PART OF OF IT IS ON A RESIDENTIAL STREET, PART OF IT IS NEXT TO SINGLE-FAMILY AND PART OF IT IS ON A MORE COMMERCIAL STREET.

JUST VERY QUICKLY I WANTED TO POINT SOMETHING OUT. THE HARDEMAN FAMILY HAS BEEN A VERY GOOD NEIGHBOR TO THE HIGHLAND PARK AREA. IF YOU SAW THE PICTURES, ALL OF THESE DEALERSHIPS IN THE PARKING WE'VE HAD HEAVY VEGETATION THERE AND PROVIDE SOME VEGETATIVE SCREENING FOR THE SURROUNDING PROPERTY OWNERS. SO WE'VE HAD A REALLY GOOD RELATIONSHIP WITH THE NEIGHBORHOOD, AND IT'S PROBABLY WHY -- UNLESS I'M MISTAKEN, I DON'T THINK YOU HAVE ANYONE HERE OPPOSING THIS. AND THEY'RE AWARE, THE NEIGHBORHOOD IS AWARE OF WHAT WE'RE ASKING.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? I'LL ENTERTAIN A MOTION ON 19 THAT WILL INCLUDE A COMBINED MOTION OF ITEM 44, THE NEIGHBORHOOD PLAN, AND 51, THE REZONING. COUNCILMEMBER ALVAREZ.

Alvarez: FOR STAFF. WHAT WOULD THE CONDITIONAL OVERLAY AGE, WHAT DOES THAT MEAN?

CONDITIONAL OVERLAY H, JUST TAKES OUT A FEW OF THE OUTDOOR USES THAT WOULD BE ALLOWED UNDER GR. THEY MIGHT BE NOISY NEXT TO A RESIDENTIAL USE. THAT'S PRETTY MUCH IT. AND PAWN SHOP, WHICH MIGHT BE CONSIDERED NOT APPROPRIATE NEXT TO RESIDENTIAL.

Alvarez: OKAY. AND THIS ONE, MS. PHELPS, YOU'RE NOT ASKING FOR VEHICLE STORAGE AND WAREHOUSING LIKE THE OTHER TRACTS OWNED BY THE HARDEMANS?

WELL, I'M GLAD YOU ASKED THAT QUESTION. I MEAN, WE WOULD LOVE TO DO THAT EXCEPT YOU WOULD HAVE TO ZONE US CS, AND I WASN'T CLEAR WHETHER THE COUNCIL COULD DO THAT AND UPZONE US. BUT YES, WE WOULD LOVE TO BE ABLE TO HAVE STORAGE FOR OUR MERCEDES CARS TO PUT THERE.

Alvarez: THAT WAS MY INTENTION IN ASKING THE QUESTION, BUT I WAS LEANING TO SUPPORTING THE PROPERTY OWNERS' REQUEST AND STILL WILL, BUT I DON'T KNOW THAT I CAN GO THAT FAR. I'LL MOVE 19-B FOR BOTH ITEMS.

Slusher: SECOND.

Mayor Wynn: MOTION 19-B MADE FOR THE COMBINED ITEM 44 AND 51. MOTION AND SECONDED -- MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER SLUSHER. FURTHER COMMENTS? SECOND READING ONLY. ALL THOSE IN FAVOR, PLEASE SAY AYE?

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO, SECOND READING. FOR BOTH THE PLAN AND THE ZONING.

FOR 20 AND 21 YOU MIGHT WANT TO TAKE THESE TOGETHER BECAUSE THEY'RE EXACTLY THE SAME ISSUE. THESE ARE ON HUNT LAND, WHICH IS A COMMERCIAL STREET, IT'S JUST NOT ONE OF THE MAJOR CORRIDORS WHERE CS IS RECOMMENDED. THESE CURRENTLY HAVE CS ZONING ON THEM. THE PLAN RECOMMENDS GR. THE PROPERTY OWNER WANTS TO MAINTAIN CS, AND THEY WOULD PROHIBIT ALL THE CS USES EXCEPT FOR VEHICLE STORAGE AND LIMITED WAREHOUSING, SO THIS IS VERY SIMILAR TO WHAT YOU'VE HEARD BEFORE. SO THAT WOULD BE 20 AND 21.

Alvarez: AND RIGHT IN FRONT OF THAT IS ALL CS IN 240?

ALL OF 240 IS CURRENTLY CS, AND ACROSS THE STREET IS CS AS WELL. BUT THAT'S PART OF THE LARGER HIGHLAND MALL. IF WE EXPANDED THE VIEW IT'S PART OF HIGHLAND MALL AND IT'S KIND OF ADJACENT RETAIL, SUPPORT RETAIL TO HIGHLAND MALL. SO ALL THE GREEN IS HIGHLAND MALL. AND HUNT LAND IS ACROSS THE STREET, THE LIGHT BLUE THAT BACKS UP TO THE SINGLE-FAMILY.

Mayor Wynn: I'M SORRY. STAFF AND PLANNING COMMISSION RECOMMENDATION IS?

GR-MU-CO, WITH THE CO JUST LIMITING THE OUTDOOR NOISY TYPE USES. AND THE PROPERTY OWNER IS OKAY WITH THE CONDITIONAL OVERLAY. THEY WANT THE CS TYPE STANDARDS AND THE VEHICLE STORAGE AND LIMITED WAREHOUSING.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: FOR SECOND READING I'LL MAKE A MOTION ON THOSE TWO ITEMS FOR 20-C AND 21-B.

Mayor Wynn: COMBINED MOTION 20-B AND 21-B MADE BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER THOMAS. FURTHER COMMENTS? QUESTIONS? APE R. AIM R.R. ARE AIM R. ALL THOSE IN FAVOR, PLEASE SAY AYE?

AYE.

Mayor Wynn: COMBINED MOTION 20-AND 21-B PASS. COUNCILMEMBER SLUSHER OFF THE DAIS.

22 IS ALMOST THE SAME EXCEPT IT'S ON AIRPORT BOULEVARD. THE RECOMMENDATION IS FOR CS WITH CONDITIONAL OVERLAY-B. CONDITIONAL OVERLAY B LIMITS VEHICLE STORAGE AND THE PROPERTY OWNER WOULD LIKE TO HAVE VEHICLE STORAGE BE ALLOWED. THAT WOULD BE THE ONLY DIFFERENCE BETWEEN PLANNING COMMISSION AND THE PROPERTY OWNER. AND THIS IS NUMBER 271, THE ORANGE ONE. THIS IS THE MERCEDES DEALER.

Mayor Wynn: I'M SORRY, THE ISSUE OF VEHICLE STORAGE,

THAT'S OTHER AS -- OTHERWISE PERMITTED IN CS, BUT BECAUSE OF THE CONDITIONAL OVERLAY B FROM THE PLANNING COMMISSION, IT'S ONE OF THE PROHIBITED USES?

THAT'S RIGHT.

Mayor Wynn: SO THE OWNER IS REQUESTING EVERYTHING IDENTICAL EXCEPT THAT ON CONDITIONAL OVERLAY B, VEX STORAGE, BE REMOVED AS A PROHIBITED USE?

THAT'S CORRECT.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?

Thomas: MAYOR?

Mayor Wynn: COUNCILMEMBER THOMAS. MAYOR --

Thomas: I MAKE A MOTION ON 22-B.

Mayor Wynn: MOTION 22-B MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER MCCRACKEN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ONE ON SECOND READING ONLY, SHOWING THE MAYOR PRO TEM VOTING NO.

MAYOR, CAN I JUST CLARIFY? DID YOU INTEND TO ENCOURAGE THE RESTRICTIVE COVENANT LIKE YOU DID PREVIOUSLY OR NOT FOR THIS ONE? WHICH WOULD SOMEHOW TRY TO DISTINGUISH BETWEEN THE IMPOUND AND THE NEW CAR.

Mayor Wynn: COUNCILMEMBER THOMAS, I SEE THE AGENT NODDING HER HEAD. IT'S WORTH THE ATTEMPT. OKAY. THAT CONFIRMS IT'S CORRECT.

WE CAN TAKE 23, 24 AND 25 TOGETHER. THESE ARE ALL ADJACENT PROPERTIES ON DILL LADDER CIRCLE, WHICH IS JUST OFF AIRPORT AIRPORT BOULEVARD. IT'S TRACT 266 AND 267. ON THIS ONE WE HAD A COMPREHENSIVE RECOMMENDATION FOR ALL OF THE PROPERTIES IN THIS

AREA. WE DID REALIZE AT THE TIME THAT THESE PROPERTIES THAT WE'RE TALKING ABOUT RIGHT HERE ARE A LITTLE BIT DIFFERENT FROM SOME OF THE OTHER ONES IN THIS LIGHT BLUEISH, PURPLE COLORED TRIANGLE AREA. AND WE -- SO WE MADE THAT COMPREHENSIVE RECOMMENDATION. WE WERE OPEN TO MAKING SOME CHANGES BASED ON PROPERTY OWNER INPUT, BUT IT DIDN'T COME IN TIME TO GET THE PLANNING COMMISSION. SO BASICALLY FOR 23-B, 24-B AND 25-B, THOSE ARE CHANGES TO THE PLANNING COMMISSION RECOMMENDATION THAT STAFF WOULD HAVE SUPPORTED HAD THEY COME IN TIME AND THEY SEEM REASONABLE. SO WITH THAT THE RECOMMENDATION IS FOR CS-MU-CO. THE PLANNING COMMISSION RECOMMENDED OVERLAY G. SINCE NONE OF THESE ARE ADJACENT TO SINGLE-FAMILY, WE WOULD HAVE BEEN OKAY WITH THE CHANGES THEY HAVE LISTED HERE, WHICH WERE TO ALLOW JUST A FEW EXTRA USES THAT ARE IN THE CO. THE AGENT IS JIM WHITLIFF AND THIS COVERS 23, 24 AND 25.

Mayor Wynn: QUESTIONS OF STAFF OR THE AGENT? OR NEIGHBORS? COMMENTS?

Dunkerley: CAN WE MAKE THIS ALL IN ONE MOTION?

Mayor Wynn: I THINK WE CAN. MAYOR PRO TEM.

Goodman: .

Goodman: MAYOR, I WOULD MOVE 23-B, 24-B, 25-B ON SECOND READING.

Mayor Wynn: I'LL SECOND THAT. THE COMBINED MOTIONS ARE 23-B, 24-B AND 25-B ON SECOND READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? COMBINED MOTION 23, 24, 25 B'S ALL PASS ON A VOTE OF SEVEN TO ZERO.

WE CAN ALSO TAKE 26 AND 27 TOGETHER. THESE ARE IN

THE SAME AREA, BUT THEY ARE ADJACENT TO SINGLE-FAMILY. INITIALLY THE PROPERTY OWNER WAS SIMPLY OPPOSED TO ANY CONDITIONAL OVERLAY. AFTER FIRST READING THEY CAME IN TO DISCUSS WITH STAFF ALTERNATE IDEAS THEY HAD TO ACCEPT A MODIFIED CONDITIONAL OVERLAY. THIS IS FOR 26-B AND 27-B. AND THAT ALTERNATE REQUEST DOES SEEM REASONABLE TO STAFF. THESE ARE TRACTS 244, WHICH IS 108 DENSON DRIVE AND 268, WHICH IS A VACANT PROPERTY AT THE BOTTOM OF DILLARD CIRCLE. AND THEY DID MAKE DIFFERENT RECOMMENDATION -- ALTERNATE RECOMMENDATIONS. FOR 244, WHICH IS BUFFERED FROM THE HOUSES BY A CREEK AND DOES HAVE -- IS VISIBLE FROM AIRPORT, THERE ARE MORE USES ALLOWED. AND ONCE YOU GET DEEPER INTO THAT CUL-DE-SAC AND YOU'RE ADJACENT TO MORE HOUSES, THEY WERE WILLING TO RESTRICT QUITE A FEW MORE USES IN THERE. AND THE ALTERNATE RELIGIOUS SEEMS REASONABLE. RECOMMENDATION SEEMS REASONABLE.

Slusher: THAT WOULD BE 26 AND 27? EXCUSE ME, MAYOR. I DON'T THINK YOU'LL MIND IF WE PLOW EYE HEAD HERE. I'LL MOVE 26-B AND 27-B.

Mayor Wynn: I'LL SECOND THAT COMBINED MOTION 26-B AND 27-B MADE BY COUNCILMEMBER SLUSHER, SECONDED BY THE MAYOR. QUESTIONS, FURTHER COMMENTS? SECOND READING ONLY. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO ON SECOND READING ONLY.

THIS TAKES US TO THE LAST THREE, AND THESE DO NOT HAVE PETITIONS ON THEM. 28 IS TRACT 221. THIS IS ON ST. JOHN'S. THIS IS A PIECE OF PROPERTY THAT -- THIS IS -- IT'S 221. IT'S THE GREEN HATCH PROPERTY. IT'S CURRENTLY ZONED RESIDENTIAL. THE STAKEHOLDERS PLAN FOR ST. JOHN'S IN THIS AREA IS TO GO TO LR AND TRY TO GET A MORE PEDESTRIAN MIXED USE, SMALL NEIGHBORHOOD RETAIL THERE. THE REASON THIS IS ON HERE IS BECAUSE

THERE WAS A CONDITION THAT THE NEIGHBORHOOD STAKEHOLDERS WANTED, WHICH WE WERE UNCLEAR THEY WANTED, BUT -- SO IT DIDN'T MAKE IT INTO PLANNING COMMISSION RECOMMENDATION. IT DOES SEEM REASONABLE. WHAT THEY WANT TO DO IS THEY WANT TO ENCOURAGE AN ACTUAL MIXED USE DEVELOPMENT HERE AND NOT JUST STRAIGHT APARTMENTS. MOST OF THE STREET IS BEING ZONED FOR HIGH DENSITY SINGLE-FAMILY, SF-6, WHICH WOULD ALLOW TOWNHOUSES AND CONDOS. AND ON THIS ONE, WHAT THEY'D LIKE TO DO IS IF THE OWNER -- IF IT'S GOING TO BE REDEVELOPED FOR A RESIDENTIAL ONLY, JUST TO LIMIT THAT DEVELOPMENT DENSITY TO THE SF-6 STANDARD THAT THE REST OF THE STREET HAS, BUT GIVE AN EXTRA INCENTIVE IF THEY'RE GOING TO DO A COMMERCIAL MIXED USE, TO REALLY ENCOURAGE THAT. SO WITH 28-B WE'D INCLUDE THAT CONDITION TO LIMIT THE RESIDENTIAL DENSITY, IF THAT WOULD BE THE NEIGHBORHOOD, STAKEHOLDERS' DESIRE.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: 28-B WOULD ALLOW POTENTIAL FOR THE MIXED USE, RESIDENTIAL AND COMMERCIAL IN THE SAME DEVELOPMENTS?

RIGHT.

McCracken: THAT'S THE STAFF RECOMMENDATION?

THE STAFF RECOMMENDATION WAS LR-MU AND THE NEIGHBORHOOD RECOMMENDATION IS LR-MU. THEY WERE WANTING TO LIMIT THE RESIDENTIAL DENSITY TO 12 UNITS PER ACRE TO TRY TO DISCOURAGE A STRAIGHT APARTMENT AND ENCOURAGE A MIXED USE. OR IF IT'S GOING TO BE STRAIGHT RESIDENTIAL, GO WITH CONDOS OR TOWNHOMES.

McCracken: I'LL MOVE APPROVAL ON 28-B.

Mayor Wynn: MOTION -- MOTION 28-B MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER DUNKERLEY. FURTHER COMMENTS?

HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO ON SECOND READING.

THE LAST TWO RELATE TO TWO ADJACENT PIECES OF PROPERTY. THIS IS TRACT 248. IT INCLUDES 6225 LAMAR AS WELL AS 6208 BURN STREET. AND I THINK ON THIS ONE WE WANT TO POINT IT OUT TO YOU ON THE MAP BECAUSE IT WOULD BE COMPLICATED WITHOUT ACTUALLY SEEING WHERE ALL OF THIS IS. THE FIRST ONE IS 6225 NORTH LAMAR. THE POINTER IS POINTING TO THE PROPERTY. IT GOES ALL THE WAY THROUGH FROM LAMAR BACK TO BURNS STREET. IT'S THE ONLY PROPERTY ON THIS BLOCK THAT GOES ALL THE WAY THROUGH FROM LAMAR, WHICH IS COMMERCIAL, BACK TO BURNS, WHICH IS RESIDENTIAL. IT'S ONE PIECE OF PROPERTY. IT HAS TWO ZONINGS ON IT. THE FRONT PART IS ZONED CS JUST LIKE THE REST OF LAMAR. THE OWNER HAS NO PROBLEM WITH THAT RECOMMENDATION. THE BACK SIDE IS CURRENTLY ZONED SF-3. THE PLAN IS RECOMMENDING TO GO UP TO MULTI-FAMILY 3 BECAUSE THE PLAN IS RECOMMENDING ALL OF BURNS STREET TO GO UP AND SERVE AS A TRANSITIONAL AREA BETWEEN THE COMMERCIAL AND THE LOW DENSITY SINGLE-FAMILY. SO UPZONED THE SINGLE-FAMILY TO MULTI-FAMILY. THERE IS SOME EXISTING MULTI-FAMILY ON THAT BLOCK ON BURNS STREET. THE PROPERTY OWNER IS ASKING TO HAVE COMMERCIAL ZONING ALL THE WAY THROUGH TO THE BACK. THEY ALSO OWN THE PIECE OF PROPERTY JUST TO THE SOUTH OF THAT ONE. THIS ONE IS NOT ONE SINGLE PIECE OF PROPERTY, IT'S TWO PIECES OF PROPERTY. THE FRONT ONE IS 6221 NORTH LAMAR. THEY'RE OKAY WITH THAT. THE RECOMMENDATION IS CS. THEY'RE FINE WITH THAT. IT'S THE BACK PIECE THAT'S IN WHITE. IT'S CURRENTLY ZONED FM-3. THE PLAN RECOMMENDS LEAVING IT ALONE AS IT IS. THE OWNER WANTS TO HAVE COMMERCIAL ZONING BACK THERE. YOU WOULD NOT BE ABLE TO ACT ON THE 6208 BURNS TODAY BECAUSE SINCE NO ZONING CHANGE IS RECOMMENDED, IT WAS NOT NOTICED -- NO SUFFICIENT NOTICE WENT OUT. YOU WOULD HAVE TO DIRECT STAFF TO INITIATE THE ZONING CASE ON

THAT IF THAT WAS YOUR DESIRE. ON 6225 YOU COULD REZONE THAT TODAY BECAUSE NOTICE DID GO OUT FOR THAT ONE AND THE NOTICE ALLOWS YOU TO REZONE TO ANY CATEGORY MORE OR LESS RESTRICTIVE AS LONG AS IT WAS NOTIFIED IN SOME MANNER, AND THAT ONE WAS. THE OWNER'S AGENT IS HERE. HE'S -- JIM BENNETT IS THE AGENT, IF YOU HAVE QUESTIONS FOR THE APPLICANT.

Mayor Wynn: QUESTIONS? COUNCIL, OF STAFF, APPLICANT, NEIGHBORS? MR. BENNETT?

MAYOR, I'M HERE TONIGHT AND COUNCIL, HERE TONIGHT RECOMMENDING KEN McWILLIAMS, WHO IS THE OWNER OF ABC BLIND AND DRAPERY COMPANY. ABC BLIND AND DRAPERY COMPANY HAS BEEN ON THE LAMAR SITE SINCE 1950. MR. McWILLIAMS IS PROPOSING TO EXPAND HIS BUSINESS TO HAVE AN INTERIOR DESIGN CENTER IN ADDITION TO THE BLIND AND DRAPERY CENTER THAT'S THERE NOW. AND QUITE FRANKLY, HE'S NOT IN THE APARTMENT BUSINESS, SO IT DOES HIM NO GOOD TO HAVE APARTMENT ZONING ON THE REAR PORTION OF THESE LOTS. UNFORTUNATELY, WE DIDN'T HAVE REPRESENTATION AT THE PLANNING COMMISSION MEETING, TO DISCUSS THESE ISSUES; HOWEVER, CS ZONING IS NOT REQUIRED FOR THE TYPE CENTER THAT HE'S PROPOSING. GR ZONING WILL ACCOMMODATE THE INTENDED USES THAT'S BEING PROPOSED IN THE REDEVELOPMENT ON THE EASTERN PORTIONS OF THESE PROPERTIES, IF YOU WILL. WE WILL BE MEETING WITH STAFF TO WORK OUT THE CONDITIONAL OVERLAYS. WE DON'T HAVE I DON'T THINK VERY MUCH OF A PROBLEM WITH THE INVASIVE TYPE USES THAT YOU'VE BEEN HEARING ON -- SUCH AS THE BLOOD PLASMA, AUTOMOBILE RELATED, PAWN SHOPS AND THOSE THINGS, THAT'S NOT OUR INTENDED USE. ADDITIONALLY WE THINK WE CAN DO A CONTROLLED ACCESS TO BURNS STREET, BUT AS BRYAN TOLD YOU, THE DEPTH OF THAT PROPERTY IS ABOUT 420 FEET IN LENGTH, SO WE THINK WE WILL NEED AT LEAST EMERGENCY ACCESS ON TO BURNS STREET; HOWEVER, WE WOULD PREFER TO HAVE CONTROLLED ACCESS TO TO BURNS STREET. AND WE WILL BE GETTING WITH STAFF TO TRY TO WORK OUT THESE ISSUES. BOTH OF THOSE TWO PIECES OF PROPERTIES, THE ONE PORTION THAT'S ZONED SF-3, AS BRYAN TOLD YOU, YOU NEED TO DO

PROPER NOTICE ON THAT. AND BY THE TIME WE GET THE THIRD READING, HOPEFULLY WE'LL HAVE THOSE THINGS DONE. AND WE'D REQUEST THAT COUNCIL CONSIDER GR. PERHAPS GR-MU, EVEN THOUGH WE ARE NOT INTO THE APARTMENT BUSINESS, WE'D PREFER TO JUST HAVE STRAIGHT GR. AND I'LL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS.

Mayor Wynn: STAFF, IS IT EVEN PRACTICAL THAT A TRACT THAT HASN'T BEEN NOTICED FOR ZONING COULD CATCH UP?

WE'RE ASKING TO COME BACK NEXT WEEK FOR THIRD READING. AND IT WOULD HAVE TO BE NOTICED AND GO TO PLANNING COMMISSION, SO IF YOU DESIRE TO DO THAT, YOU COULD DIRECT STAFF TO DO IT AS PART OF THE IMPLEMENTATION OF THE PLAN AND THE STAFF COULD BE THE APPLICANT. BUT IT WOULD NOT -- YOU WOULDN'T SEE IT FOR MULTIPLE WEEKS, FOR SIX WEEKS.

Mayor Wynn: QUESTIONS, COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: THIS IS FOR STAFF.

Mayor Wynn: BRYAN.

SORRY.

Alvarez: RIGHT NEXT TO WHAT I THINK IS 248 THERE'S A TRACT THERE THAT'S NOT COLORED IN. WHAT IS THAT?

ALL THE WHITE IS ALREADY ZONED MULTI-FAMILY. SO THAT STREET HAS A MIX OF MULTI-FAMILY AND SINGLE-FAMILY, WHICH THE PLAN DOES NOT WANT TO MAINTAIN THAT. IT SEES AS TRANSITIONING INTO THE NEIGHBORHOOD. SO THE MULTI-FAMILY WAS LEFT ALONE AND THE SINGLE-FAMILY PROPOSED FOR UPZONING.

Alvarez: AND THE SINGLE-FAMILY IS THE LONG TRACT?

IT'S THE LONG TRACT IN GRAY AS WELL AS ALL THE PURPLE TRACTS AT THE BOTTOM, 246. THOSE ARE ALL SINGLE-

FAMILY NOW.

Alvarez: THOSE ARE GOING TO MULTI-FAMILY?

THAT'S RIGHT.

Mayor Wynn: I GUESS I'M STRUGGLING WITH JUST THE SHAPE OF THAT LOT. IT'S SO INCREDIBLY LONG AND NARROW COMPARED TO ITS WIDTH. CURRENTLY IT'S A SINGLE LEGAL LOT?

THE WHOLE THING IS ONE SINGLE LOT WITH THE TWO ZONINGS ON IT. AND IT PROBABLY WOULDN'T BE PRACTICAL -- WELL, YOU COULD HAVE A SMALL MULTI-FAMILY USE ON THERE, BUT I THINK THE INTENTION OF THE PLAN WAS THAT SOME OF THOSE MIGHT BE COMBINED TO HAVE A LARGER DEVELOPMENT. MAYBE THAT IS OR ISN'T PRACTICAL.

Mayor Wynn: CURRENTLY ON THE GROUNDS -- I CAN VISUALIZE THE BLIND STORE ON LAMAR ON THE WEST END OF THAT LOT. HOW -- WHAT IS ACTUALLY ON THE GROUND ON THE BURNS FRONTAGE OF 248?

IT'S MOSTLY VACANT, ALTHOUGH THE BUILDING DOES COME BACK INTO THE SINGLE -- INTO THE SINGLE-FAMILY JUST A LITTLE BIT. ON THE ONE ON 6225, THE BUILDING COMES JUST A LITTLE BIT BACK INTO THE SINGLE-FAMILY. AND ON THE ONE BELOW IT ACTUALLY COMES -- THE BUILDING GOES BACK A LITTLE BIT INTO THE MULTI-FAMILY, BUT THE FRONTAGE ON BURNS IS VACANT. IT'S UNDEVELOPED.

Mayor Wynn: I GUESS WHAT WE'RE ANTICIPATING -- THE PURPOSE -- THE PLAN ANTICIPATES, YOU KNOW, FRANKLY, THE OWNER SUBDIVIDING THE PROPERTY AND LIKELY SELLING IT TO WHOEVER MIGHT WANT TO PURCHASE ADJACENT PROPERTIES TO BUILD A REASONABLY SIZED MULTI-FAMILY DEVELOPMENT.

RIGHT. OR I SUPPOSE AN ALTERNATE OPTION -- WE COULD FEASIBLY LOOK AT THE WHOLE BIG SQUARE AS GOING TO SOMETHING UNIFORM WOULD BE ANOTHER OPTION. THE PLAN DIDN'T GO IN THAT DIRECTION.

Mayor Wynn: RIGHT. MR. BENNETT?

MAYOR AND COUNCIL, ON THE WEST SIDE OF BURNS STREET, THERE ARE TWO RESIDENTIAL PROPERTIES THAT FRONT ON TO BURNS. AND THE OTHER ONE AT THE CORNER OF DENSON AND BURNS FRONTS ON TO DENSON. ONE OF THE RESIDENTIAL PROPERTIES THAT'S ON BURNS IS A RENTAL PROPERTY, AND WILL PROBABLY SOMEWHERE IN THE FUTURE PERHAPS BE REDEVELOPED. I'M NOT SURE IF I UNDERSTOOD BRYAN CORRECTLY THAT IF YOU WERE ELECTED TO REZONE THAT PORTION THAT HAD BEEN ADVERTISED THAT THAT WOULD DELAY YOUR PLAN SIX MONTHS. IF YOUR PLAN WAS ADOPTED WOULD WE STILL HAVE TO WAIT A YEAR TO COME BACK RATHER THAN -- WOULD WE STILL HAVE TO WAIT A YEAR TO COME BACK AND REZONE THE SMALLER PORTION?

Mayor Wynn: GOOD QUESTION FOR STAFF.

YOU COULD APPROVE THE PLAN TODAY, AND IF YOU DIRECTED STAFF TODAY TO INITIATE THE REZONING AS PART OF THE IMPLEMENTATION OF THE PLAN, THERE WOULD BE NO WAITING PERIOD. SO YOU COULD FINISH, APPROVE THE PLAN AND STILL DIRECT US TO INITIATE A REZONING THAT WE COULD CARRY OUT AS CONTINUED IMPLEMENTATION OF THE PLAN. IF YOU DIDN'T DIRECT US TO DO THE REZONING, THEN THERE WOULD BE THE WAITING PERIOD IF THEY WANTED TO COME BACK AND APPLY THEMSELVES AS THE APPLICANT. BUT IF STAFF WERE DIRECTED TO INITIATE AND BE THE APPLICANT, WE COULD BRING IT BACK TO YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? MAYOR PRO TEM.

Goodman: WELL, I DON'T WANT TO START AN ARGUMENT. WE CAN TALK ABOUT THIS LATER, BUT I'M NOT SURE IT WOULD BE AN AMENDMENT. SIMPLY HAVING A ZONING CASE WOULD NOT NECESSARILY DEFER AN AMENDMENT PROCESS. SO I'M NOT -- IT'S NOT SOMETHING I WANT TO DECIDE TONIGHT OR HAVE A CONVERSATION ABOUT REALLY, BUT LATER, LATER.

Mayor Wynn: FURTHER COMMENTS ON POTENTIAL MOTION

29? COUNCILMEMBER ALVAREZ.

Alvarez: I'M CERTAINLY COMFORTABLE RECOMMENDING 29-B, THE OWNER'S REQUEST, ALTHOUGH HE SAYS HE WOULD BE FINE WITH GR AND NOT CS.

RIGHT.

Alvarez: SO WHAT WOULD BE AN APPLICABLE CONDITIONAL OVERLAY? I GUESS SOMETHING THAT WORKS WITH GR ZONING?

THE B WAS FOR THE CORRIDOR SIDE, SO IT WOULDN'T HAVE VERY MUCH RESTRICTED OR CONDITIONED ON IT. SO YOU MIGHT WANT TO GO WITH SOMETHING THAT WOULD BE APPROPRIATE FOR AN INTERIOR PROPERTY ON THAT OR YOU MIGHT WANT TO EITHER DO THE WHOLE PROPERTY EXACTLY THE SAME AND TRY TO LIMIT THE ACCESS TO THE BACK OR GIVE THE BACK -- ALLOW AS MUCH ACCESS AS POSSIBLE, BUT KIND OF RESTRICT THE USES BACK THERE. THE CO WOULD BE SOMETHING LIKE CONDITIONAL OVERLAY C, WOULD BE THE INTERIOR GR CONDITIONAL OVERLAY THAT WOULD LIMIT SOME OF THE AUTO AND NUISANCE KIND OF USES.

Alvarez: YOU'RE TALKING ABOUT THE LONG TRACT?

RIGHT.

Alvarez: BUT I'M TALKING ABOUT THE OTHER -- THE 225 -- 6225. THAT IS 6225?

THAT'S THE LONG ONE. 6208 BURNS, WHICH IS THE INDIVIDUAL TRACT ON BURNS STREET. EVEN THOUGH IT'S OWNED BY THE SAME OWNER.

Alvarez: IT'S THE ONE THAT'S NOT COLORED.

IT'S THE LIGHT COLORED ONE.

Alvarez: WHAT ABOUT THE HASHED ONE THAT'S NORTH OF THE LONG --

THAT ONE IS THE ONE THAT GOES -- THE PROPERTY GOES ALL THE WAY THROUGH AND THE BACK IS ZONED SF-3 CURRENTLY.

Alvarez: THIS IS JUST SECOND READING ON THIS ONE?

RIGHT.

Alvarez: SO LET'S GO WITH THE GR-CO AND CONDITIONAL OVERLAY C THAT WAS SUGGESTED. THE BACK SIDE.

THAT WOULD BE TYPICALLY WHAT WE DO ON A GR, ON AN INTERIOR STREET.

Mayor Wynn: MOTION --

Slusher: WHAT DOES THE CO DO? SORRY.

Alvarez: IT PROHIBITS A LOT OF USES, WHICH I THINK WOULD BE APPROPRIATE SINCE THERE'S RESIDENTIAL AROUND IT.

Slusher: YEAH.

Alvarez: WOULD THAT ALLOW WHAT THEY'RE TRYING TO DO?

YES. IT WOULD.

Alvarez: THEN I'LL OFFER 29-B, APPROVE PROPERTY OWNER'S REQUEST ON THE LAND USE PLAN. AND ON ZONING TO RECOMMEND GR-MU-CO-NP, CONDITIONAL OVERLAY C.

Mayor Wynn: COMBINED MOTION 29-B MADE FOR BOTH ITEMS 44, THE NEIGHBORHOOD PLAN AND 51, THE ZONING, MADE BY COUNCILMEMBER ALVAREZ THAT I'LL SECOND.

MAYOR? JUST TO RESPOND TO COUNCILMEMBER ALVAREZ'S QUESTION. THERE IS ONE R. ONE USE -- THERE IS ONE ITEM IN CONDITIONAL OVERLAY C THAT WOULD LIMIT THEIR ABILITY TO DO THE DEVELOPMENT THEY WANT TO DO, WHICH IS WE HAVE A CAP OF GENERAL RETAIL GREATER THAN 20,000 SQUARE FEET. AND SINCE THEY HAVE FRONTAGE ON A MAJOR STREET, AND THEY MIGHT HAVE A

BUILDING GO ALL THE WAY THROUGH, THEY WOULD PROBABLY HAVE BUILDINGS LARGER THAN 20,000, AND THAT SEEMS REASONABLE. IF YOU TOOK THAT ONE OFF, I THINK THAT WOULD SATISFY THE PROPERTY OWNER. AL AM SO I CAN AMEND --

Alvarez: SO I CAN AMEND THE ZONING SITE TO BE GR-MU-NP, CONDITIONAL OVERLAY C, WITH THE EXCEPTION OF THAT WE WOULD REMOVE THE 20,000 SQUARE FOOT CONDITION FROM THAT LIST.

Mayor Wynn: I AGREE WITH THAT AS A SECOND. I WOULD LIKE TO ASK BETWEEN SECOND AND THIRD READING IF THE OWNERS AGENT AND STAFF COULD JUST LOOK AT THAT CONCEPT. OBVIOUSLY THE IDEA IS -- YOU WOULDN'T WANT TO SOMEHOW DISPROPORTIONATELY HAVE ALL THAT SQUARE FOOTAGE SOMEHOW PUT MORE BACK TOWARDS BURNS THAN NOT. I'M SURE NO, SIR THOOT THE INTENT. -- THAT'S NOT THE INTENT, BUT FIGURE OUT SOME POTENTIAL DISCUSSION, WHETHER IT'S A RESTRICTIVE COVENANT OR NOT, TO FIGURE OUT HOW TO MORE BALANCE THE INTENT, WHICH IS TO TREAT BURNS MUCH DIFFERENTLY, FRANKFRANKLY, THAN LAMAR, EVEN THOUGH THE ZONING IS CONSISTENT.

[INAUDIBLE - NO MIC].

Mayor Wynn: LET'S TRY TO ANALYZE THAT AND CONFIRM THAT SOMEHOW. MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO ON SECOND READING ONLY. COMBINED MOTION. NEIGHBORHOOD PLAN AND ZONING. MOTION 30.

30-B WOULD BE WHAT YOU DID IF THE DID THE SAME THING ON THIS PROPERTY. IT WOULD GO AHEAD AND MAKE THE LAND USE PLAN COMMERCIAL MIXED USE, BUT YOU WOULD NOT BE ABLE TO TAKE ACTION ON THE REZONING AT THIS TIME. YOU WOULD BE INITIATING -- YOU WOULD BE

DIRECTING STAFF TO INITIATE THE REZONING AND WE WOULD NOTICE FOR IT, TAKE IT TO PLANNING COMMISSION AND THEN BRING IT BACK TO YOU AS SOON AS POSSIBLE. AND THAT WOULD BE 30-B, IF THAT'S WHAT YOU DESIRED.

Mayor Wynn: COMMENTS, QUESTIONS?

Alvarez: ONE QUESTION. ON 246 UP ON THAT MAP, WHAT IS THAT EXACTLY?

THAT IS CURRENTLY SINGLE-FAMILY, USED AS SINGLE-FAMILY, AND THE PLAN RECOMMENDS MULTI-FAMILY AND MULTI-FAMILY 3 ZONING.

Mayor Wynn: THERE IS NO CONTENTION ON THAT CASE?

TO GO TO MF 3 WAS SUPPORTED BY ALL THE STAKEHOLDERS.

Mayor Wynn: RIGHT.

Alvarez: ON SECOND READING I WOULD MAINTAIN THE FM-3 AND NOTE -- MF-3 AND NOTE -- THIS IS THE SAME OWNER AS 29. I AM CERTAINLY OPEN TO SUGGESTIONS, BUT MAYBE ON SECOND READING. SO WITH 30-A --

I THINK THAT HIS INTENT WOULD BE TO DEVELOP ALL FOUR PIECES TOGETHER. I ASSUME THAT'S THE INTENT. SO I DON'T KNOW IF THAT CHANGES YOUR DECISION OR NOT. YOU WOULD ZONE ALL THE PIECES OF THAT RECTANGLE. YOU WOULD WANT TO DEVELOP IT ALL. SO THE WHITE PIECE WOULD BE THE -- THE WHITE ONE, THE PURPLE ONE NEXT TO IT, THE PURPLE ONE ABOVE IT AND THE GRAY ONE NEXT TO IT, HE WOULD OWN ALL FOUR OF THOSE.

Alvarez: HE OWNS THE LAMAR SIDE ALSO.

RIGHT. HE OWNS THE LAMAR SIDE OF THAT ONE. AND HIS PLAN WOULD BE TO -- I BELIEVE TO PUT HIS REDEVELOPMENT ON ALL OF IT.

Alvarez: I DIDN'T REALIZE THAT WAS ALL HIS PART OF IT. SO THEN SIMILARLY SITUATED AS THE PREVIOUS TRACT, WE

CAN GO AHEAD AND APPROVE THE LAND USE, IS THAT CORRECT, FOR THE PLAN?

CORRECT.

Alvarez: AND THEN DEFER ACTION ON THE ZONING OR JUST INITIATE THE REZONING OF 1K508 BURNS -- 6208 BURNS?

RIGHT.

Alvarez: I'LL MOVE 30-B TO APPROVE THE PROPERTY OWNERS' REQUEST FOR LAND USE, WHICH IS COMMERCIAL MIXED USE?

YOU CAN TAKE THE MOTION TOGETHER.

AS PART OF THE MOTION YOU CAN -- AS PART OF YOUR MOTION CAN BE TO DIRECT STAFF TO INITIATE THE ZONING.

Alvarez: JUST SUPPORT THE PROPERTY OWNER'S REQUEST TO INITIATE REZONING -- DIRECT STAFF TO INITIATE REZONING ON MF 3 TO GR-CO -- GR-MU-CO-NP, CONDITIONAL OVERLAY C, WITH THE EXCEPTION THAT WE REMOVE THE 20,000 SQUARE FOOT CONDITION.

RIGHT. THAT WOULD BE EXACTLY THE SAME.

Alvarez: [INAUDIBLE].

Mayor Wynn: THANK YOU, COUNCILMEMBER. I'LL SECOND THAT. THE MOTION 30-B ON ITEM 44, THE NEIGHBORHOOD PLAN, AND THE INSTRUCTION OF STAFF TO INITIATE ZONING AS STATED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. COUNCILMEMBER DUNKERLEY?

Dunkerley: I'D LIKE TO MAKE A COMMENT TO STAFF. THIS WAS A REALLY COMPLICATED PLAN. IT WAS VERY CONFUSING. AND I THINK YOU ALL DID A VERY NICE JOB

TONIGHT IN TRYING TO KEEP IT STRAIGHT FOR US. I WANTED TO THANK YOU.

Mayor Wynn: AGREED. AND I THANK COUNCILMEMBER DUNKERLEY'S OFFICE WHO DID A LOT OF HOMEWORK FOR THE MOST OF US. MS. BROWN, IS THAT ALL OF OUR ITEMS? MOTION MADE BY COUNCILMEMBER SLUSHER TO TO ADJOURN. SECONDED BY COUNCILMEMBER THOMAS. ALL IN FAVOR? WE ARE ADJOURNED.

End of Council Session Closed Caption Log